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IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

Chapters of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to specific Territories not covered by other agenda items

Report of the Fourth Committee

Rapporteur: Mr. Khalid Mohammad AL-BAKER (Qatar)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 18 September 1992, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-seventh session the item entitled "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples". At the same meeting, the Assembly decided to refer to the Fourth Committee those chapters of the report of the Special Committee relating to specific Territories.

2. The chapters of the Special Committee's report concerning the Territories which were not covered by other agenda items related to the following specific Territories:

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Territory	Relevant chapter of the report of the Special Committee 1/
Gibraltar New Caledonia Western Sahara	A/47/23 (Part V), chap. IX
American Samoa Anguilla Bermuda British Virgin Islands Cayman Islands Guam Montserrat Tokelau Turks and Caicos Islands United States Virgin Islands Trust Territory of the Pacific Islands Pitcairn St. Helena	A/47/23 (Part VI), chap. X

3. At its 2nd meeting, on 6 October, the Fourth Committee decided to hold a general debate covering agenda items 18, 98, 99, 100 and 12, 101, and 105, on the understanding that individual proposals on matters covered by those items would be considered separately.

4. The Fourth Committee considered item 18 at its 2nd to 9th meetings, between 6 October and 5 November (see A/C.4/47/SR.2-9). The general debate on the items referred to above, including the present item, took place at the 3rd to 7th meetings, between 13 and 22 October.

5. At the 2nd meeting, on 6 October, the Rapporteur of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples made a statement in which he gave an account of the relevant activities of the Special Committee during 1992 and drew the Fourth Committee's attention to the chapters of the report of the Special Committee referred to in paragraph 2 above, containing, inter alia, the related draft decisions and draft resolutions submitted by the Committee for the consideration of the Fourth Committee, as well as the relevant documentation of the Special Committee (A/AC.109/1097-1106, 1108-1113, 1116-1120 and 1123-1125).

6. The Fourth Committee had before it the report of the Secretary-General on the question of Western Sahara (A/47/506), submitted in accordance with General Assembly resolution 46/67 of 11 December 1991.

1/ To be incorporated in Official Records of the General Assembly, Forty-seventh Session, Supplement No. 23 (A/47/23).

7. In addition, the Fourth Committee had before it the following communications addressed to the Secretary-General:

(a) Letter dated 22 May 1992 from the representatives of Indonesia and Yugoslavia to the United Nations (A/47/225-S/23998);

(b) Letter dated 17 August 1992 from the Chargé d'affaires a.i. of the Permanent Mission of Solomon Islands to the United Nations (A/47/391).

8. The Fourth Committee granted the following requests for hearing in connection with its consideration of the item:

Petitioner	Meeting at which request for hearing was granted
Mr. Madjid Abdullah, Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO) (A/C.4/47/2)	3rd
Ms. Danielle Smith, Western Sahara Awareness Project Inc. (WESAP) (A/C.4/47/2/Add.1)	3rd
Ms. Teresa K. Smith de Cherif, Sahara Fund, Inc. (A/C.4/47/2/Add.2)	3rd
Mr. Jarat Chopra, Brown University (A/C.4/47/2/Add.3)	3rd
Mr. Ronald Franquez Teehan, Organization of People for Indigenous Rights (A/C.4/47/6)	3rd
Mr. Rock Wamytan, Front de libération nationale kanak socialiste (FLNKS) (A/C.4/47/7)	3rd
Ms. Judith L. Bourne, Save Long Bay Coalition, Inc. (A/C.4/47/8)	4th
Mr. Yann Céléné Uregei, Congrès populaire kanak (A/C.4/47/7/Add.1)	5th

9. The Committee heard petitioners as follows: Mrs. Laura Torres Souder, on behalf of the Organization of People for Indigenous Rights, at the 3rd meeting, on 13 October; Ms. Danielle Smith, Ms. Teresa K. Smith de Cherif, Mr. Jarat Chopra, Mr. Boukhari Ahmed on behalf of the Frente POLISARIO, and Mrs. Judith L. Bourne, at the 4th meeting, on 19 October; and Mr. Paul Neaoutyine, on behalf of FLNKS, and Mr. Jean Paul Tidjine, on behalf of the Congrès populaire kanak, at the 5th meeting, on 20 October.

10. With the Committee's consent, statements were made by Mr. Peter Leon Guerrero, representative of the Governor of Guam, at the 3rd meeting, on 13 October, and by Carlyle Corbin, representative of the Government of the United States Virgin Islands, at the 4th meeting, on 19 October.

II. CONSIDERATION OF PROPOSALS

11. Following its consideration of the proposals relating to the 16 Territories referred to in paragraph 2, the Fourth Committee adopted 3 draft resolutions, 2 draft consensuses and 1 draft decision. An account of the Committee's consideration of the proposals is given in paragraphs 13 to 26.

12. At the 8th meeting, on 3 November, the Secretary of the Committee made a statement, in accordance with rule 153 of the rules of procedure of the General Assembly, concerning the programme budget implications relating to the proposals on Western Sahara, New Caledonia, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Montserrat, the Turks and Caicos Islands, Tokelau, American Samoa, Guam, the United States Virgin Islands, Pitcairn and St. Helena.

A. Western Sahara

13. At the 4th meeting, on 19 October, the Chairman drew attention to draft resolution A/C.4/47/L.2, submitted by him on the question.

14. At its 8th meeting, on 3 November, following the introduction of draft resolution A/C.4/47/L.2 by the Chairman, and statements made on the draft text by Nigeria, on behalf of 55 countries, 1a/ and by Morocco, 1a/ the Committee adopted the draft resolution without a vote (see para. 24, draft resolution I).

1a/ See A/C.4/47/SR.8.

B. New Caledonia

15. At its 8th meeting, on 3 November, the Fourth Committee adopted, without objection, the draft resolution concerning New Caledonia contained in document A/47/23 (Part V), chapter IX, paragraph 31 (see para. 24, draft resolution II).

C. American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Guam, Montserrat, Tokelau, Turks and Caicos Islands and United States Virgin Islands

16. At the 9th meeting, on 5 November, the representative of the United States of America introduced amendments (A/C.4/47/L.6, L.7 and L.8) to: (a) draft resolution B I contained in document A/47/23 (Part VI), chapter X, paragraph 25, relating to American Samoa; (b) draft resolution B VI contained in document A/47/23 (Part VI), chapter X, paragraph 25, relating to Guam; and (c) draft resolution B X contained in document A/47/23 (Part VI), chapter X, paragraph 25, relating to the United States Virgin Islands. The amendments consisted of the following:

Draft resolution B I - American Samoa

A/C.4/47/L.6

(a) In the third preambular paragraph, the words "Governor and the" would be inserted before "Fono";

(b) In operative paragraph 1, the phrase "in September 1991 by the Fono" would be replaced by "created under executive order by the Governor in August 1992";

(c) In operative paragraph 2:

(i) The words "continue to" would be inserted after "territorial Government, to";

(ii) The phrase "and to take measures to create more employment opportunities for the people of the Territory" would be deleted;

(d) In operative paragraph 3, the words "continue to" would be inserted after "administering Power to";

(e) Operative paragraph 5 would be deleted and operative paragraph 6 would be renumbered as operative paragraph 5;

(f) In new operative paragraph 5 (former operative paragraph 6):

(i) The words "with regret" would be deleted;

(ii) The phrase "and calls upon the administering Power to facilitate the dispatch of such a mission" would be deleted.

Draft resolution B VI - Guam

A/C.4/47/L.7

(a) In operative paragraph 1:

(i) The words "continue to" would be inserted after "administering Power to";

(ii) The phrase "right to self determination and independence" would be replaced by "right to self-determination, including independence,";

(b) In operative paragraph 2, the words "continue to" would be inserted after "territorial Government, to";

(c) In operative paragraph 4, the phrase "administering Power to support measures" would be replaced by "administering Power to continue to support appropriate measures";

(d) In operative paragraph 5:

(i) The phrase "it continue to recognize and respect" would be inserted after "administering Power that";

(ii) The phrase "be recognized and respected" would be deleted.

Draft resolution B X - United States Virgin Islands

A/C.4/47/L.8

(a) The ninth preambular paragraph, which read:

"Noting the expressed concerns of the Government and people of the Territory over the continued vacancies of both District Court judgeships and their wish for the appointment of Virgin Islanders to these and other top posts in the judicial system,"

would be replaced by:

"Noting the expressed concerns of the Virgin Islands Government and people of the Territory over the vacancy of the District Court judgeship and their wish for the appointment of Virgin Islanders to other top posts in the judicial system,";

(b) Operative paragraph 2, which read:

"2. Invites the administering Power, as a matter of urgency, to facilitate the transfer of Water Island to the Territory at the end of 1992;",

would be replaced by:

"2. Invites the administering Power, as a matter of urgency, to facilitate the termination of federal ownership of Water Island at the end of 1992;"

(c) Operative paragraph 3, which read:

"3. Reiterates, as a matter of urgency, its requests to the administering Power to assist the Government of the United States Virgin Islands in securing the financial means to acquire the reclaimed and submerged land at Long Bay in the Charlotte Amalie Harbour from the West Indies Company in order to inhibit further development-related damage to marine and coastal wildlife;",

would be replaced by:

"3. Notes that a nominee has been named for a district court judgeship; the district court judge on Saint Croix is a Virgin Islander;"

(d) Operative paragraph 4 would be deleted;

(e) Operative paragraph 5 would be renumbered as operative paragraph 4;

(f) In former operative paragraph 5 (new operative paragraph 4):

(i) The phrase "in accordance with the" would be replaced by "in accordance with the policy of the administering Power and the";

(ii) The phrase "and to provide financial assistance as necessary" would be deleted;

(iii) Former operative paragraph 6 would be renumbered as new operative paragraph 5.

17. At its 9th meeting, on 5 November, the Fourth Committee took the following action on the amendments relating to American Samoa, Guam and the United States Virgin Islands (A/C.4/47/L.6, L.7 and L.8) and on the draft resolution as a whole (A/47/23 (Part VI), chap. X, para. 25):

(a) A/C.4/47/L.6

(i) The Committee adopted the amendment to the third preambular paragraph by a recorded vote of 67 to 2, with 44 abstentions. 2/ The voting was as follows: 3/

2/ The representatives of Costa Rica, Cuba, Indonesia and Mali made statements in explanation of vote.

3/ The delegation of Lesotho informed the Committee that it had not intended to participate in the vote.

In favour: Argentina, Australia, Austria, Azerbaijan, Belgium, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Burundi, Chile, Colombia, Costa Rica, Cyprus, Czechoslovakia, Denmark, Ecuador, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Liechtenstein, Luxembourg, Maldives, Mexico, Mongolia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Singapore, Slovenia, Spain, Sweden, Thailand, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Iraq, Togo.

Abstaining: Afghanistan, Algeria, Angola, Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Benin, Botswana, Cameroon, Côte d'Ivoire, Cuba, Egypt, Gabon, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Lebanon, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Myanmar, Namibia, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, Rwanda, Saudi Arabia, Suriname, Trinidad and Tobago, United Republic of Tanzania, Viet Nam, Zimbabwe.

(ii) The Committee adopted the amendment to operative paragraph 1 by a recorded vote of 70 to none, with 41 abstentions. 2/ The voting was as follows:

In favour: Argentina, Australia, Austria, Azerbaijan, Belgium, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Burundi, Chile, Colombia, Costa Rica, Cyprus, Czechoslovakia, Denmark, Ecuador, Fiji, Finland, France, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Liechtenstein, Luxembourg, Maldives, Mexico, Mongolia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Singapore, Slovenia, Spain, Sweden, Thailand, Togo, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: None.

Abstaining: Afghanistan, Algeria, Angola, Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Benin, Botswana, Cameroon, Côte d'Ivoire, Cuba, Egypt, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Myanmar, Namibia, Oman, Pakistan, Papua New Guinea, Qatar, Rwanda, Saudi Arabia, Suriname, Trinidad and Tobago, United Republic of Tanzania, Viet Nam, Zimbabwe.

(iii) The Committee adopted the first amendment to operative paragraph 2 by a recorded vote of 71 to 2, with 38 abstensions. 2/ The voting was as follows:

In favour: Argentina, Australia, Austria, Azerbaijan, Belgium, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Burundi, Chile, Colombia, Costa Rica, Cyprus, Czechoslovakia, Denmark, Ecuador, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Liechtenstein, Luxembourg, Malaysia, Maldives, Mexico, Mongolia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, Saudi Arabia, Singapore, Slovenia, Spain, Sweden, Thailand, Togo, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Cuba, Iraq.

Abstaining: Afghanistan, Algeria, Angola, Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Benin, Botswana, Cameroon, Côte d'Ivoire, Egypt, Gabon, Ghana, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Lebanon, Libyan Arab Jamahiriya, Mali, Mauritania, Myanmar, Namibia, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, Suriname, Trinidad and Tobago, United Republic of Tanzania, Zimbabwe.

(iv) The Committee adopted the second amendment to operative paragraph 2 by a recorded vote of 54 to 9, with 42 abstentions. 2/ The voting was as follows:

In favour: Argentina, Australia, Austria, Azerbaijan, Belgium, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Chile, Czechoslovakia, Denmark, Ecuador, Fiji, Finland, France, Germany, Greece, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Kenya, Liechtenstein, Luxembourg, Maldives, Mongolia, Nepal,

Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Singapore, Slovenia, Spain, Sweden, Togo, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Costa Rica, Cuba, Ghana, Guatemala, Honduras, Iran (Islamic Republic of), Iraq, Mali, Nicaragua.

Abstaining: Afghanistan, Algeria, Angola, Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Benin, Botswana, Cameroon, Colombia, Côte d'Ivoire, Cyprus, Egypt, Grenada, Guinea, Guinea-Bissau, Guyana, Indonesia, Jamaica, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mexico, Myanmar, Namibia, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, Rwanda, Saudi Arabia, Suriname, Trinidad and Tobago, United Republic of Tanzania, Venezuela, Zimbabwe.

(v) The Committee adopted the amendment to operative paragraph 3 by a recorded vote of 72 to 2, with 35 abstentions. 2/ The voting was as follows:

In favour: Argentina, Australia, Austria, Azerbaijan, Bangladesh, Belgium, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Burundi, Chile, Colombia, Costa Rica, Cyprus, Czechoslovakia, Denmark, Ecuador, Fiji, Finland, France, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Liechtenstein, Luxembourg, Malaysia, Maldives, Mexico, Mongolia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, Singapore, Slovenia, Spain, Sweden, Togo, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Cuba, Iraq.

Abstaining: Afghanistan, Algeria, Angola, Antigua and Barbuda, Bahamas, Barbados, Benin, Botswana, Cameroon, Côte d'Ivoire, Grenada, Guinea, Guinea-Bissau, Guyana, Haiti, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Lebanon, Libyan Arab Jamahiriya, Mali, Mauritania, Myanmar, Namibia, Oman, Pakistan, Papua New Guinea, Qatar, Saudi Arabia, Suriname, Trinidad and Tobago, United Republic of Tanzania, Viet Nam, Zimbabwe.

(vi) The Committee adopted the amendment to delete operative paragraph 5 by a recorded vote of 55 to 2, with 44 abstentions. 2/ The voting was as follows:

In favour: Afghanistan, Argentina, Australia, Austria, Azerbaijan, Belgium, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Chile, Colombia, Czechoslovakia, Denmark, Ecuador, Fiji, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Liechtenstein, Luxembourg, Mexico, Mongolia, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, Singapore, Slovenia, Spain, Sweden, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Costa Rica, Cuba.

Abstaining: Algeria, Angola, Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Botswana, Cameroon, Côte d'Ivoire, Cyprus, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mali, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, Russian Federation, Rwanda, Saudi Arabia, Suriname, Togo, Trinidad and Tobago, United Republic of Tanzania, Zimbabwe.

(vii) The Committee adopted the first amendment to former operative paragraph 6 (new operative paragraph 5) by a recorded vote of 62 to none, with 47 abstentions. 2/ The voting was as follows:

In favour: Argentina, Australia, Austria, Azerbaijan, Belgium, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Burundi, Chile, Colombia, Cyprus, Czechoslovakia, Denmark, Ecuador, Fiji, Finland, France, Germany, Greece, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Liechtenstein, Luxembourg, Maldives, Mexico, Mongolia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Singapore, Slovenia, Spain, Sweden, Thailand, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: None.

Abstaining: Afghanistan, Algeria, Angola, Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Benin, Botswana, Cameroon, Costa Rica, Côte d'Ivoire, Cuba, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Myanmar, Namibia, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, Rwanda, Saudi Arabia, Suriname, Togo, Trinidad and Tobago, United Republic of Tanzania, Viet Nam, Zimbabwe.

(viii) The Committee adopted the second amendment to former operative paragraph 6 (new operative paragraph 5) by a recorded vote of 55 to 4, with 49 abstentions. 2/ The voting was as follows:

In favour: Argentina, Australia, Austria, Azerbaijan, Belgium, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Burundi, Colombia, Cyprus, Czechoslovakia, Denmark, Ecuador, Fiji, Finland, France, Germany, Greece, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Liechtenstein, Luxembourg, Mexico, Mongolia, Nepal, Netherlands, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, Singapore, Slovenia, Spain, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Cuba, Iran (Islamic Republic of), Iraq, Mali.

Abstaining: Afghanistan, Algeria, Angola, Antigua and Barbuda, Bahamas, Bangladesh, Barbados, Benin, Botswana, Cameroon, Chile, Costa Rica, Côte d'Ivoire, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Indonesia, Jamaica, Jordan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Maldives, Mauritania, Myanmar, Namibia, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, Russian Federation, Rwanda, Saudi Arabia, Suriname, Togo, Trinidad and Tobago, Ukraine, United Republic of Tanzania, Viet Nam, Zimbabwe.

(b) A/C.4/47/L.7

(i) The Committee adopted the first amendment to operative paragraph 1 by a recorded vote of 61 to 7, with 38 abstentions. 2/ The voting was as follows:

In favour: Argentina, Australia, Austria, Azerbaijan, Belgium, Bolivia, Brunei Darussalam, Bulgaria, Costa Rica, Cyprus, Czechoslovakia, Denmark, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Liechtenstein, Luxembourg, Malaysia, Maldives, Mongolia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, Singapore, Slovenia, Spain, Sweden, Thailand, Togo, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Bahamas, Barbados, Cuba, Guyana, Iraq, Jamaica, Trinidad and Tobago.

Abstaining: Algeria, Angola, Antigua and Barbuda, Bangladesh, Benin, Botswana, Brazil, Cameroon, Chile, Colombia, Côte d'Ivoire, Ecuador, Ghana, Grenada, Guinea, Guinea-Bissau, Haiti, Indonesia, Iran (Islamic Republic of), Jordan, Lebanon, Libyan Arab Jamahiriya, Mali, Mauritania, Mexico, Myanmar, Namibia, Nigeria, Oman, Pakistan, Papua New Guinea, Peru, Qatar, Saudi Arabia, Suriname, United Republic of Tanzania, Venezuela, Zimbabwe.

(ii) The Committee adopted the second amendment to operative paragraph 1 by a recorded vote of 51 to 13, with 44 abstentions. 2/ The voting was as follows:

In favour: Argentina, Australia, Austria, Bangladesh, Belgium, Bolivia, Brunei Darussalam, Bulgaria, Czechoslovakia, Denmark, Fiji, Finland, France, Germany, Greece, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Liechtenstein, Luxembourg, Maldives, Mongolia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Panama, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Singapore, Slovenia, Spain, Sweden, Thailand, Togo, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Antigua and Barbuda, Bahamas, Barbados, Costa Rica, Cuba, Democratic People's Republic of Korea, Guyana, Haiti, Iraq, Jamaica, Namibia, Suriname, Trinidad and Tobago.

Abstaining: Algeria, Angola, Azerbaijan, Benin, Botswana, Brazil, Cameroon, Chile, Colombia, Côte d'Ivoire, Cyprus, Ecuador, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Honduras, Indonesia, Iran (Islamic Republic of), Jordan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Mexico, Myanmar, Nicaragua, Niger, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Qatar, Rwanda, Saudi Arabia, Ukraine, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Zimbabwe.

(iii) The Committee adopted the amendment to operative paragraph 2 by a recorded vote of 59 to 10, with 38 abstentions. 2/ The voting was as follows:

In favour: Argentina, Australia, Austria, Belgium, Bolivia, Brunei Darussalam, Bulgaria, Colombia, Costa Rica, Cyprus, Czechoslovakia, Denmark, Fiji, Finland, France, Germany, Ghana, Greece, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Liechtenstein, Luxembourg, Malaysia, Maldives, Mexico, Mongolia, Nepal, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Samoa, Singapore, Slovenia, Spain, Sweden, Thailand, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Antigua and Barbuda, Bahamas, Barbados, Cuba, Democratic People's Republic of Korea, Guyana, Haiti, Iraq, Jamaica, Trinidad and Tobago.

Abstaining: Algeria, Angola, Azerbaijan, Bangladesh, Benin, Botswana, Brazil, Cameroon, Chile, Côte d'Ivoire, Ecuador, Guatemala, Guinea, Guinea-Bissau, Indonesia, Iran (Islamic Republic of), Jordan, Lebanon, Libyan Arab Jamahiriya, Mali, Mauritania, Myanmar, Namibia, Niger, Nigeria, Oman, Pakistan Papua New Guinea, Peru, Qatar, Republic of Moldova, Rwanda, Saudi Arabia, Suriname, Togo, United Republic of Tanzania, Viet Nam, Zimbabwe.

(iv) The Committee adopted the amendment to operative paragraph 4 by a recorded vote of 60 to 9, with 37 abstentions. 2/ The voting was as follows:

In favour: Argentina, Australia, Austria, Azerbaijan, Belgium, Bolivia, Brunei Darussalam, Bulgaria, Costa Rica, Cyprus, Czechoslovakia, Denmark, Fiji, Finland, France, Germany, Greece, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Liechtenstein, Luxembourg, Maldives, Mongolia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Samoa, Singapore, Slovenia, Spain, Sweden, Thailand, Togo, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Antigua and Barbuda, Bahamas, Barbados, Cuba, Guyana, Haiti, Iraq, Jamaica, Trinidad and Tobago.

Abstaining: Algeria, Angola, Bangladesh, Benin, Botswana, Brazil, Cameroon, Chile, Colombia, Côte d'Ivoire, Ecuador, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Indonesia, Iran (Islamic Republic of), Jordan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Mexico, Myanmar, Namibia, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, Saudi Arabia, Suriname, United Republic of Tanzania, Venezuela, Zimbabwe.

(v) The Committee adopted the first amendment to operative paragraph 5 by a recorded vote of 58 to 9, with 40 abstentions. 2/ The voting was as follows:

In favour: Argentina, Australia, Austria, Azerbaijan, Belgium, Bolivia, Brunei Darussalam, Bulgaria, Costa Rica, Cyprus, Czechoslovakia, Denmark, Fiji, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Liechtenstein, Luxembourg, Maldives, Mongolia, Nepal, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Singapore, Slovenia, Spain, Sweden, Thailand, Togo, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Antigua and Barbuda, Bahamas, Barbados, Cuba, Guyana, Haiti, Iraq, Jamaica, Trinidad and Tobago.

Abstaining: Algeria, Angola, Bangladesh, Benin, Botswana, Brazil, Cameroon, Chile, Colombia, Côte d'Ivoire, Ecuador, Ghana, Grenada, Guinea, Guinea-Bissau, Indonesia, Iran (Islamic Republic of), Jordan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Mexico, Myanmar, Namibia, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, Rwanda, Saudi Arabia, Suriname, United Republic of Tanzania, Venezuela, Viet Nam, Zimbabwe.

(vi) The Committee adopted the second amendment to operative paragraph 5 without objection. 2/

(c) A/C.4/47/L.8

(i) The Committee adopted the amendment to the ninth preambular paragraph by a recorded vote of 64 to 8, with 34 abstentions. 2/ The voting was as follows:

In favour: Argentina, Australia, Austria, Belgium, Bolivia, Brunei Darussalam, Bulgaria, Chile, Colombia, Cyprus, Czechoslovakia, Denmark, Ecuador, Fiji, Finland, France, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Liechtenstein, Luxembourg, Maldives, Mexico, Mongolia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Singapore, Slovenia, Spain, Sweden, Thailand, Togo, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Antigua and Barbuda, Bahamas, Barbados, Cuba, Guyana, Haiti, Jamaica, Trinidad and Tobago.

Abstaining: Algeria, Angola, Azerbaijan, Bangladesh, Benin, Botswana, Brazil, Cameroon, Costa Rica, Côte d'Ivoire, Grenada, Guinea, Guinea-Bissau, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Myanmar, Namibia, Oman, Pakistan, Papua New Guinea, Qatar, Rwanda, Saudi Arabia, Suriname, United Republic of Tanzania, Viet Nam, Zimbabwe.

(ii) The Committee adopted the amendment to operative paragraph 2 by a recorded vote of 49 to 10, with 46 abstentions. 2/ The voting was as follows:

In favour: Argentina, Australia, Austria, Belgium, Bolivia, Brunei Darussalam, Bulgaria, Cyprus, Czechoslovakia, Denmark, Fiji, Finland, France, Germany, Greece, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Liechtenstein, Luxembourg, Mongolia, Nepal, Netherlands, Nigeria, Norway, Panama, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Singapore, Slovenia, Spain, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Antigua and Barbuda, Bahamas, Barbados, Cuba, Guyana, Haiti, Iran (Islamic Republic of), Jamaica, Mali, Trinidad and Tobago.

Abstaining: Algeria, Angola, Azerbaijan, Bangladesh, Benin, Botswana, Brazil, Cameroon, Chile, Colombia, Costa Rica, Côte d'Ivoire, Ecuador, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Honduras, Indonesia, Iraq, Jordan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mexico, Myanmar, Namibia, New Zealand, Nicaragua, Niger, Oman,

Pakistan, Papua New Guinea, Peru, Qatar, Rwanda, Saudi Arabia, Suriname, Togo, Ukraine, United Republic of Tanzania, Venezuela, Viet Nam, Zimbabwe.

(iii) The Committee adopted the first amendment to replace operative paragraph 3 by a recorded vote of 49 to 8, with 45 abstentions. 2/ The voting was as follows:

In favour: Argentina, Australia, Austria, Belgium, Bolivia, Bulgaria, Cyprus, Czechoslovakia, Denmark, Fiji, Finland, France, Germany, Greece, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Liechtenstein, Luxembourg, Mongolia, Nepal, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Singapore, Slovenia, Spain, Sweden, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Antigua and Barbuda, Bahamas, Barbados, Cuba, Guyana, Haiti, Jamaica, Trinidad and Tobago.

Abstaining: Algeria, Angola, Azerbaijan, Bangladesh, Benin, Botswana, Brazil, Cameroon, Chile, Colombia, Costa Rica, Côte d'Ivoire, Ecuador, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Honduras, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Mexico, Myanmar, Namibia, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Qatar, Rwanda, Saudi Arabia, Suriname, Togo, United Republic of Tanzania, Venezuela, Zimbabwe.

(iv) The Committee adopted the amendment to delete operative paragraph 4 by a recorded vote of 51 to 8, with 45 abstentions. 2/ The voting was as follows:

In favour: Argentina, Australia, Austria, Azerbaijan, Belgium, Bolivia, Brunei Darussalam, Bulgaria, Cyprus, Czechoslovakia, Denmark, Fiji, Finland, France, Germany, Ghana, Greece, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Liechtenstein, Luxembourg, Nepal, Netherlands, New Zealand, Niger, Norway, Panama, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Singapore, Slovenia, Spain, Sweden, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Antigua and Barbuda, Bahamas, Barbados, Cuba, Guyana, Haiti, Jamaica, Trinidad and Tobago.

Abstaining: Algeria, Angola, Bangladesh, Benin, Botswana, Brazil, Cameroon, Chile, Colombia, Costa Rica, Côte d'Ivoire, Ecuador, Grenada, Guatemala, Guinea, Guinea-Bissau, Honduras, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Mexico, Mongolia, Myanmar, Namibia, Nicaragua, Nigeria, Oman, Pakistan, Papua New Guinea, Peru, Qatar, Rwanda, Saudi Arabia, Suriname, Togo, United Republic of Tanzania, Venezuela, Viet Nam, Zimbabwe.

(v) The Committee adopted the first amendment to former operative paragraph 5 (new operative paragraph 4) by a recorded vote of 54 to 9, with 44 abstentions. 2/ The voting was as follows:

In favour: Argentina, Australia, Austria, Azerbaijan, Belgium, Bolivia, Brunei Darussalam, Bulgaria, Costa Rica, Cyprus, Czechoslovakia, Denmark, El Salvador, Fiji, Finland, France, Germany, Greece, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Liechtenstein, Luxembourg, Maldives, Nepal, Netherlands, New Zealand, Norway, Panama, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Singapore, Slovenia, Spain, Sweden, Thailand, Togo, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Antigua and Barbuda, Bahamas, Barbados, Cuba, Guyana, Haiti, Iran (Islamic Republic of), Jamaica, Trinidad and Tobago.

Abstaining: Algeria, Angola, Bangladesh, Benin, Botswana, Brazil, Cameroon, Chile, Colombia, Côte d'Ivoire, Ecuador, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Honduras, Indonesia, Iraq, Jordan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Mexico, Mongolia, Myanmar, Namibia, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Peru, Qatar, Rwanda, Saudi Arabia, Suriname, United Republic of Tanzania, Venezuela, Viet Nam, Zimbabwe.

(vi) The Committee adopted the second amendment to former operative paragraph 5 (new operative paragraph 4) by a recorded vote of 48 to 10, with 47 abstentions. 2/ The voting was as follows:

In favour: Argentina, Australia, Austria, Belgium, Bolivia, Brunei Darussalam, Bulgaria, Czechoslovakia, Denmark, El Salvador, Fiji, Finland, France, Germany, Greece, Hungary, Iceland, India, Ireland, Israel, Italy, Japan, Kenya, Kuwait, Liechtenstein, Luxembourg, Maldives, Nepal, Netherlands, New Zealand, Norway, Panama, Paraguay, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Samoa, Singapore, Slovenia, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Antigua and Barbuda, Bahamas, Barbados, Costa Rica, Cuba, Guyana, Haiti, Honduras, Jamaica, Trinidad and Tobago.

Abstaining: Algeria, Angola, Azerbaijan, Bangladesh, Benin, Botswana, Brazil, Cameroon, Chile, Colombia, Côte d'Ivoire, Cyprus, Ecuador, Grenada, Guatemala, Guinea, Guinea-Bissau, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Lebanon, Libyan Arab Jamahiriya, Malaysia, Mali, Mauritania, Mexico, Mongolia, Myanmar, Namibia, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Peru, Qatar, Rwanda, Saudi Arabia, Suriname, Togo, Ukraine, United Republic of Tanzania, Venezuela, Viet Nam, Zimbabwe.

(d) A/47/23 (Part VI), chapter X, paragraph 25

18. The Committee adopted the draft resolution as a whole, as amended, without objection (see para. 24, draft resolution III). 4/

D. Gibraltar and Pitcairn

19. At the 7th meeting, on 22 October, the Chairman drew attention to draft consensus A/C.4/47/L.3.

20. At its 8th meeting, on 3 November, the Fourth Committee adopted, without objection, the draft consensus concerning Gibraltar contained in document A/C.4/47/L.3 (see para. 25, draft consensus I).

21. At the same meeting, the Fourth Committee adopted, without objection, the draft consensus concerning the question of Pitcairn contained in paragraph 26 of chapter X of the report of the Special Committee (A/47/23 (Part VI)) (see para. 25, draft consensus II).

E. St. Helena

22. At its 8th meeting, the Fourth Committee adopted, by a recorded vote of 96 to 2, with 34 abstentions, the draft decision on the question of St. Helena contained in paragraph 26 of chapter X of the report of the Special Committee (A/47/23 (Part VI)) (see para. 26). The voting was as follows: 4/

4/ The representative of the United Kingdom of Great Britain and Northern Ireland made a statement in explanation of vote.

In favour: Afghanistan, Algeria, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, El Salvador, Gabon, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Russian Federation, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Zaire, Zambia, Zimbabwe.

Against: United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Australia, Austria, Belarus, Belgium, Bulgaria, Cameroon, Czechoslovakia, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Luxembourg, Mozambique, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Republic of Moldova, Romania, Spain, Sweden, Turkey, Ukraine.

F. Trust Territory of the Pacific Islands

23. At its 2nd meeting, on 6 October, the Fourth Committee took note of the decision of the Special Committee to defer consideration of the question of the Trust Territory of the Pacific Islands to its 1993 session.

III. RECOMMENDATIONS OF THE FOURTH COMMITTEE

24. The Fourth Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Question of Western Sahara

The General Assembly,

Having considered the question of Western Sahara,

Recalling the inalienable right of all peoples to self-determination and independence, in accordance with the principles set forth in the Charter of the United Nations and in General Assembly resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Recalling its resolution 46/67 of 11 December 1991,

Recalling also the agreement in principle given on 30 August 1988 by the Kingdom of Morocco and the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro to the proposals of the Secretary-General of the United Nations and the current Chairman of the Assembly of Heads of State and Government of the Organization of African Unity in the context of their joint mission of good offices,

Recalling further Security Council resolutions 621 (1988) of 20 September 1988, 658 (1990) of 27 June 1990, 690 (1991) of 29 April 1991, and 725 (1991) of 31 December 1991 relating to the question of Western Sahara,

Recalling with satisfaction the entry into force of the cease-fire in Western Sahara on 6 September 1991, in accordance with the proposal of the Secretary-General accepted by the two parties,

Noting with satisfaction the appointment on 23 March 1992 of Mr. Sahabzada Yaqub-Khan as Special Representative of the Secretary-General for Western Sahara,

Noting with satisfaction the section on Western Sahara in the final Declaration of the Tenth Conference of Heads of State or Government of Non-Aligned Countries, held at Jakarta from 1 to 6 September 1992,

Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the

Declaration on the Granting of Independence to Colonial Countries and Peoples, 5/

Having also examined the report of the Secretary-General, 6/

1. Takes note with appreciation of the report of the Secretary-General;

2. Pays tribute to the Secretary-General for his action with a view to settling the question of Western Sahara by the implementation of the settlement plan;

3. Reiterates its support for further efforts of the Secretary-General for the organization and supervision by the United Nations, in cooperation with the Organization of African Unity, of a referendum for self-determination of the people of Western Sahara, in conformity with resolutions 658 (1990) and 690 (1991) by which the Security Council adopted the settlement plan for Western Sahara;

4. Endorses the contents of the letter dated 31 August 1992 from the President of the Security Council addressed to the Secretary-General 7/ by which the members of the Council shared the views of the Secretary-General on the necessity of the two parties scrupulously abiding by the cease-fire and abstaining from any provocative behaviour endangering the settlement plan and expressed their hope that both parties would extend their full cooperation to the Secretary-General and the Special Representative in their efforts to achieve speedy progress in the implementation of the plan and would make extraordinary efforts to ensure the success of the plan;

5. Requests the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara, bearing in mind the ongoing referendum process, and to report thereon to the General Assembly at its forty-eighth session;

6. Invites the Secretary-General to submit to the General Assembly at its forty-eighth session a report on the implementation of the present resolution.

5/ A/47/23 (Part V), chap. IX.

6/ A/47/506.

7/ S/24504.

DRAFT RESOLUTION II

Question of New Caledonia

The General Assembly,

Having considered the question of New Caledonia,

Having examined the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to New Caledonia, 5/

Reaffirming the right of peoples to self-determination as enshrined in the Charter of the United Nations,

Recalling its resolutions 1514 (XV) of 14 December 1960 and 1541 (XV) of 15 December 1960,

Noting the importance of the positive measures being pursued in New Caledonia by the French authorities, in cooperation with all sectors of the population, to promote political, economic and social development in the Territory, including measures in the area of environmental protection and action with respect to drug abuse and trafficking, in order to provide a framework for its peaceful progress to self-determination,

Noting also, in this context, the importance of equitable economic and social development, as well as continued dialogue among the parties involved in New Caledonia in the preparation of the act of self-determination of New Caledonia,

1. Approves the section of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to New Caledonia; 8/

2. Urges all the parties involved, in the interest of all the people of New Caledonia, to maintain their dialogue in a spirit of harmony;

3. Invites all the parties involved to continue promoting a framework for the peaceful progress of the Territory towards an act of self-determination in which all options are open and which would safeguard the rights of all New Caledonians;

4. Welcomes recent and foreshadowed measures to strengthen and diversify the New Caledonian economy in all fields;

8/ A/47/23 (Part V), chap. IX, sect. B.3.

5. Also welcomes the call by the Committee to Monitor the Matignon Agreement, at its meeting in Paris in October 1991, for greater progress in housing, employment, training, education and health care in New Caledonia;

6. Commends the decision to establish a Melanesian cultural centre as a contribution to preserving the indigenous culture of New Caledonia;

7. Takes note of the recent positive initiatives aimed at protecting New Caledonia's natural environment, notably the "Zoneco" operation designed to map and evaluate marine resources within the economic zone of New Caledonia;

8. Acknowledges the close links between New Caledonia and the peoples of the South Pacific and the positive actions being taken by the French authorities to facilitate the further development of those links, including the development of closer relations with the member countries of the South Pacific Forum;

9. Requests the Special Committee to continue the examination of this question at its next session and to report thereon to the General Assembly at its forty-eighth session.

DRAFT RESOLUTION III

Questions of American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Guam, Montserrat, Tokelau, Turks and Caicos Islands and United States Virgin Islands

A

GENERAL

The General Assembly,

Having considered the questions of American Samoa, Anguilla, Bermuda, British Virgin Islands, Cayman Islands, Guam, Montserrat, Tokelau, Turks and Caicos Islands and United States Virgin Islands,

Having examined the relevant chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, 9/

Recalling its resolution 1514 (XV) of 14 December 1960, containing the Declaration on the Granting of Independence to Colonial Countries and Peoples,

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9/ A/47/23 (Part VI), chap. X.

and all resolutions and decisions of the United Nations relating to those Territories, including, in particular, those resolutions adopted by the General Assembly at its forty-sixth session on the individual Territories covered by the present resolution,

Recalling also its resolution 1541 (XV) of 15 December 1960, containing the principles which should guide Member States in determining whether or not an obligation exists to transmit the information called for under Article 73 e of the Charter of the United Nations,

Conscious of the need to ensure the full and speedy implementation of the Declaration in respect of those Territories, in view of the target set by the United Nations to eradicate colonialism by the year 2000,

Aware of the special circumstances of the geographical location and economic conditions of each Territory, and bearing in mind the necessity of promoting economic stability and diversifying and strengthening further the economies of the respective Territories as a matter of priority,

Conscious of the particular vulnerability of the small Territories to natural disasters and environmental degradation,

Mindful that United Nations visiting missions provide a means of ascertaining the situation in the small Territories, and considering that the possibility of sending further visiting missions to those Territories at an appropriate time and in consultation with the administering Powers should be kept under review,

Noting with appreciation the contribution to the development of some Territories by specialized agencies and other organizations of the United Nations system, in particular the United Nations Development Programme, as well as regional institutions such as the Caribbean Development Bank,

Bearing in mind the fragile economy of the small Territories and their vulnerability to natural disasters and environmental degradation, and recalling General Assembly resolutions and the recommendations of the Meeting of Governmental Experts of Island Developing Countries and Donor Countries and Organizations, held in New York from 25 to 29 June 1990, 10/

Taking note of the conclusions and recommendations of the United Nations regional seminars on decolonization held in 1990 in observance of the thirtieth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples, as well as the position taken by the territorial Governments contained in the reports of the seminars, 11/

10/ A/CONF.147/5-TD/B/AC.46/4.

11/ A/AC.109/1040 and Corr.1 and A/AC.109/1043.

1. Approves the chapter of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Tokelau, the Turks and Caicos Islands and the United States Virgin Islands; 9/

2. Reaffirms the inalienable right of the people of those Territories to self-determination and independence in conformity with the Charter of the United Nations and General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

3. Also reaffirms that it is ultimately for the people of those Territories themselves to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly and, in that connection, calls upon the administering Powers, in cooperation with the territorial Governments, to facilitate programmes of political education in the Territories in order to foster an awareness among the people of the possibilities open to them in the exercise of their right to self-determination, in conformity with the legitimate political status options clearly defined in General Assembly resolution 1541 (XV);

4. Reiterates that it is the responsibility of the administering Powers to create such conditions in the Territories as will enable their people to exercise freely and without interference their inalienable right to self-determination and independence;

5. Reiterates the view that such factors as territorial size, geographical location, size of population and limited natural resources should in no way serve as a pretext to delay the speedy exercise by the peoples of those Territories of their inalienable right to self-determination;

6. Reaffirms the responsibility of the administering Powers under the Charter to promote the economic and social development and to preserve the cultural identity of those Territories, and recommends that priority should continue to be given, in consultation with the territorial Governments concerned, to the strengthening and diversification of their respective economies;

7. Urges the administering Powers, in cooperation with the territorial Governments concerned, to take or continue to take effective measures to safeguard and guarantee the inalienable right of the peoples of those Territories to own, develop or dispose of the natural resources of those Territories, including marine resources, and to establish and maintain control over the future development of those resources;

8. Also urges the administering Powers to take all necessary measures to protect and conserve the environment of the Territories under their administration against any environmental degradation, and requests the

specialized agencies concerned to continue to monitor environmental conditions in those Territories;

9. Calls upon the administering Powers to continue to take all necessary measures, in cooperation with the respective territorial Governments, to counter problems related to drug trafficking;

10. Urges the administering Powers to foster or continue to foster close relations between the Territories and other island communities in their respective regions, and to promote cooperation between the respective territorial Governments and regional institutions, as well as the specialized agencies and other organizations of the United Nations system;

11. Also urges the administering Powers to cooperate or continue to cooperate with the Special Committee in its work by providing timely and up-to-date information for each Territory under their administration, in accordance with Article 73 e of the Charter, and by facilitating the dispatch of visiting missions to the Territories to secure first-hand information thereon and to ascertain the wishes and aspirations of the inhabitants;

12. Appeals to the administering Powers to continue or to resume their participation in future meetings and activities of the Special Committee and to ensure the participation in the work of the Special Committee of representatives of the Non-Self-Governing Territories;

13. Urges Member States to contribute to the efforts of the United Nations to achieve the eradication of colonialism by the year 2000, and calls upon them to continue to give their full support to the action of the Special Committee towards the attainment of that objective;

14. Invites the specialized agencies and other organizations of the United Nations system to initiate or to continue to take all necessary measures to accelerate progress in the social and economic life of the Territories;

15. Requests the specialized agencies and other organizations of the United Nations system, in formulating their assistance programmes, to take due account of the text entitled "Challenges and opportunities: a strategic framework", which was adopted unanimously by the Meeting of Governmental Experts of Island Developing Countries and Donor Countries and Organizations; 10/

16. Requests the Special Committee to continue the examination of the question of the small Territories and to recommend to the General Assembly the most suitable steps to be taken to enable the populations of those Territories to exercise their right to self-determination and independence, and to report thereon to the Assembly at its forty-eighth session.

B

INDIVIDUAL TERRITORIES

I. American Samoa

The General Assembly, 1

Referring to resolution A above,

Having heard the statement of the representative of the United States of America as the administering Power, 12/

Taking note of the establishment of a new Political Status and Constitutional Review Commission by the Governor and the Fono, the legislature of the Territory,

Noting the need for diversifying and developing the economy of the Territory through the expansion of the existing small and service-oriented industries as well as through the development of commercial fishing and the tourism industry,

Noting also the devastation caused by hurricane Val in December 1991 and the recovery efforts of the territorial Government in conjunction with the administering Power and the international community,

Recalling the dispatch in 1981 of a United Nations visiting mission to the Territory,

1. Welcomes the establishment of a new Political Status and Constitutional Review Commission created under executive order by the Governor in August 1992;

2. Calls upon the administering Power, in cooperation with the territorial Government, to continue to promote the economic and social development of the Territory, in order to reduce its heavy economic and financial dependence on the United States of America;

3. Urges the administering Power to continue to support measures by the territorial Government aimed at promoting the diversification of the economy and the development of the existing industries, particularly commercial fishing and tourism;

4. Calls upon the administering Power to continue to provide the Territory with the necessary assistance, through a number of its agencies, to reconstruct many of the public facilities and thousands of family dwellings destroyed or heavily damaged by hurricane Val;

12/ A/C.4/47/SR.7.

5. Notes that a period of eleven years has elapsed since a United Nations mission visited the Territory.

II. Anguilla

The General Assembly,

Referring to resolution A above,

Having heard the statement of the representative of the United Kingdom of Great Britain and Northern Ireland, as the administering Power, 13/

Aware of the desire of the people of Anguilla for a higher level of self-government,

Taking note of the statement by the administering Power that it would help the people of Anguilla to become independent when and if that was their constitutionally expressed wish,

Noting the reaction of the political leaders to the abolishment of the death penalty by the administering Power and the statement of the Chief Minister on this question,

Taking note of the admission of the Territory as observer in the Organization of Eastern Caribbean States in 1991,

Noting that the unemployment rate in the Territory fell from 27 per cent in 1984 to 1.1 per cent in 1989, that salaries and allowances in the public sector have risen substantially since 1984, and that the number of posts has increased by 34 per cent since 1985,

Aware of the inability of Anguilla's educational system to alleviate the problem of scarcity of skilled national personnel, particularly in the fields of economic management and tourism, and that educational reform is of paramount importance to the achievement of the long-term economic goals of the Territory,

Further noting that the Government's Public Sector Investment Programme for 1991-1995, estimated at $35 million, is expected to be financed by external donors through grants and concessional loans,

Taking into account the main development objectives established by the Territory's Executive Council, namely, the improved management of the economy through a more efficient public sector, the strategic development of human resources through the reform of the educational and training systems, and the

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13/ A/C.4/47/SR.4.

development of integrated policies of physical infrastructural improvements as well as the preservation of the natural environment,

Recognizing the contribution of the marine resources of Anguilla to its local economy,

Recalling the dispatch of a United Nations visiting mission to the Territory in 1984,

1. Takes note of the statement of the Chief Minister that the Government of Anguilla had no intention of moving towards independence during its current term of office;

2. Notes with concern that the administering Power continues to deny further delegation of competence over the special areas of responsibility of the Governor to ministers of the territorial Government prior to setting a time-frame for independence;

3. Calls upon the administering Power to consult with, and take into account the wishes of, the Government and the people of Anguilla prior to taking any decision likely to impact on their livelihood;

4. Welcomes the admission of the Territory as observer in the Organization of Eastern Caribbean States, and requests the administering Power to facilitate the Territory's participation in other regional and/or international organizations;

5. Commends the territorial Government for the virtual full employment situation prevailing in the Territory, and for the increases in the salaries and number of posts in the public sector over the past years;

6. Notes with concern the incapacity of Anguilla's educational system to supply the Territory's labour market with skilled managers, particularly in the areas of economic management and tourism;

7. Calls upon the administering Power as well as other Member States and international organizations to afford or continue to afford the Government of Anguilla training possibilities for its staff in this respect;

8. Invites the international donor community to contribute generously to the Government's Public Sector Investment Programme for 1991-1995, and to grant the Territory all possible assistance to enable it to reach the main development objectives established by the Executive Council of the Territory;

9. Welcomes the measures taken by the territorial Government to protect and conserve marine resources and to control the activities of foreign fishermen operating illegally in the area;

10. Calls upon the administering Power to provide the Territory with the necessary assistance to mitigate the adverse effects of hurricane Hugo and to

facilitate the provision of additional assistance and funds from international organizations and specialized agencies to the Territory;

11. Notes that a period of eight years has elapsed since a United Nations mission visited the Territory and calls upon the administering Power to facilitate the dispatch of a further visiting mission to Anguilla.

III. Bermuda

The General Assembly,

Referring to resolution A above,

Having heard the statement of the representative of the United Kingdom of Great Britain and Northern Ireland, as the administering Power, 13/

Noting with satisfaction the programme of Economic Stability and Responsible Management undertaken by the Government and the steps taken to offset a decline in revenue from tourism,

Noting a marked increase in unemployment in the Territory,

Noting with concern an increase in the illegal drug trade in the Territory,

Reaffirming its strong conviction that the presence of military bases and installations in the Territory could, in certain circumstances, constitute an obstacle to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples,

Noting that the Territory has never been visited by a United Nations visiting mission,

1. Expresses the view that it is ultimately for the people of Bermuda to decide their own future;

2. Requests the administering Power to assist the territorial Government in the implementation of its programme of Economic Stability and Responsible Management, with a view to reducing the impact of the recession on the economy of the Territory and the unprecedented increase in unemployment;

3. Calls upon the administering Power to continue to take all necessary measures, in cooperation with the territorial Government, to counter problems related to drug trafficking;

4. Also calls upon the administering Power to ensure that the presence of military bases and installations in the Territory would not constitute an obstacle to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples nor hinder the population of

the Territory from exercising its right to self-determination and independence in conformity with the purposes and principles of the Charter of the United Nations;

5. Further calls upon the administering Power to facilitate the dispatch of a United Nations visiting mission to the Territory.

IV. British Virgin Islands

The General Assembly,

Referring to resolution A above,

Having heard the statement of the representative of the United Kingdom of Great Britain and Northern Ireland, as the administering Power, 13/

Noting the participation of the Territory as an associate member in some regional and international organizations,

Noting also the application of the Territory for membership in the Food and Agriculture Organization of the United Nations,

Taking into account that, according to the annual report of the Caribbean Development Bank for 1990, there has been sustained growth in the economy of the Territory, and noting the measures taken by the territorial Government to develop the agricultural and industrial sectors,

Noting that the Territory might graduate to net-contributor status in the fifth programming cycle of the United Nations Development Programme, thereby requiring the Territory to contribute to the financing of its projects,

Noting also that the Caribbean Development Bank has reported that the scarcity of skilled manpower was the single most important constraint to the realization of the full development potential of the economy of the Territory,

Noting further that the United Nations Children's Fund is considering the continuation beyond 1992 of its five-year Multi-island Programme, which has funded educational projects in the British Virgin Islands,

Recognizing the measures being taken by the territorial Government to prevent drug trafficking and money laundering,

1. Welcomes the admission of the British Virgin Islands as an associate member of the Caribbean Community;

2. Reiterates its call upon the administering Power to facilitate the admission of the Territory to associate membership in the Food and Agriculture Organization of the United Nations, as well as its participation in other regional and international organizations;

3. Calls upon the administering Power to provide the Territory with the necessary assistance to mitigate the adverse effects of hurricane Hugo and to facilitate the provision of additional assistance and funds to the Territory from international organizations and specialized agencies;

4. Welcomes the efforts by the territorial Government to raise the quality of the labour force and to meet the trained labour requirements of the public service through its development plan for education;

5. Calls upon the United Nations Development Programme to continue its technical assistance to the British Virgin Islands, bearing in mind the vulnerability of the Territory to external economic factors and the scarcity of skilled workers in the Territory;

6. Expresses its satisfaction at the consideration being given by the United Nations Children's Fund to the continuation of its five-year Multi-island Programme aimed at improving education, health and social services in the Territory;

7. Urges the regional and international financial institutions, as well as the specialized agencies and other organizations of the United Nations system, to assist the Government of the British Virgin Islands in identifying its medium- and long-term needs and to increase their participation in the full recovery of the Territory;

8. Notes with satisfaction the measures being taken by the territorial Government to prevent drug trafficking and money laundering, and urges the administering Power to continue its assistance to the Territory in those endeavours;

9. Notes with regret that a period of sixteen years has elapsed since a United Nations mission visited the Territory and appeals to the administering Power to facilitate the dispatch of such a mission.

V. Cayman Islands

The General Assembly,

Referring to resolution A above,

Having heard the statement of the representative of the United Kingdom of Great Britain and Northern Ireland, as the administering Power, 13/

Taking note of the completion of the constitutional review exercise in the Cayman Islands, as well as of the established timetable for the bringing into force of the amended Constitution,

Aware that the general election in the Territory is scheduled for November 1992,

Noting the measures being taken by the territorial Government to promote agricultural production with a view to reducing the heavy dependence of the Territory on imported provisions,

Expressing its concern that property and land continue to be owned and developed largely by foreign investors,

Noting that an increased proportion of the labour force of the Territory consists of expatriates and that there is a need for the training of nationals in the technical, vocational, managerial and professional fields,

Noting also the action taken by the territorial Government to implement its localization programme to promote increased participation of the local population in the decision-making process in the Cayman Islands,

Noting further the policy of the territorial Government to control the growth and to upgrade the efficiency of the public service,

Noting with concern the vulnerability of the Territory to drug trafficking and related activities,

Noting with satisfaction the efforts of the territorial Government, the Governments of other countries of the region, and the United Kingdom of Great Britain and Northern Ireland, as the administering Power, to prevent and repress illicit activities such as money laundering, funds smuggling, false invoicing and other related frauds, as well as the use of and trafficking in illegal drugs,

Recalling the dispatch in 1977 of a United Nations visiting mission to the Territory,

1. Requests the administering Power to expedite the bringing into force of the amended Constitution, in close cooperation with the territorial Government and in conformity with the wishes and aspirations of the Caymanian population, with a view to enabling the people of the Cayman Islands to exercise their inalienable right to self-determination;

2. Notes with satisfaction that the general election in the Territory is scheduled for November 1992 and requests the administering Power, in close cooperation with the territorial Government, to continue the efforts aimed at ensuring that a free and fair general election is conducted in the Cayman Islands;

3. Calls upon the administering Power, in consultation with the territorial Government, to continue to promote the agricultural development of the Cayman Islands with a view to reducing the dependence of the Territory on imported food supplies;

4. Urges the administering Power, in consultation with the territorial Government, to continue to facilitate the expansion of the current programme

of securing employment for the local population, in particular at the decision-making level;

5. Requests the administering Power, in consultation with the territorial Government, to provide necessary assistance in enhancing the efficiency of the public service;

6. Calls upon the administering Power to continue to take all necessary measures, in cooperation with the territorial Government, to counter problems related to money laundering, funds smuggling and other related crimes, as well as drug trafficking;

7. Notes with regret that a period of fifteen years has elapsed since a United Nations mission visited the Territory, and appeals to the administering Power to facilitate the dispatch of such a mission.

VI. Guam

The General Assembly,

Referring to resolution A above,

Having heard the statement of the representative of the United States of America, as the administering Power, 12/

Noting that the second round of negotiations between the Government of the United States of America and the Government of Guam aimed at transferring land and facilities at the Naval Air Station, Agana, opened in July 1991,

Aware that large tracts of land in the Territory continue to be reserved for the use of the Department of Defense of the administering Power,

Noting that the administering Power has undertaken a programme of transferring surplus federal land to the Government of Guam,

Also noting the potential for diversifying and developing the economy of Guam through commercial fishing and agriculture,

Mindful of discussions between the Guam Commission on Self-Determination and the executive branch of the administering Power on the draft Guam Commonwealth Act, which were recently concluded and will lead to consideration of the measure by the legislative branch of the administering Power,

Recalling that in referendums held in Guam in 1987, a draft Commonwealth Act was endorsed by the people of Guam that, upon expeditious enactment by the Congress of the United States of America, would reaffirm the right of the people of Guam to draft their own constitution and to govern themselves,

Recalling the dispatch of a United Nations visiting mission to the Territory in 1979,

1. Calls upon the administering Power to continue to ensure that the presence of military bases and installations in the Territory should not constitute an obstacle to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples nor hinder the population of the Territory from exercising its right to self-determination, including independence in conformity with the purposes and principles of the Charter of the United Nations;

2. Also calls upon the administering Power, in cooperation with the territorial Government, to continue to expedite the transfer of land to the people of the Territory and to take the necessary steps to safeguard their property rights;

3. Notes that discussions held since 1990 between the Government of the United States of America and the Guam Commission on Self-Determination have resulted in qualified agreements on the provisions of the Guam Commonwealth Act, including agreements to disagree on several substantive portions of the Guam proposal, which are to be forwarded to the Congress of the United States for consideration;

4. Urges the administering Power to continue to support appropriate measures by the territorial Government aimed at promoting growth in commercial fishing and agriculture;

5. Reiterates its request to the administering Power that it continue to recognize and respect the cultural and ethnic identity of the Chamorro people, the indigenous inhabitants of Guam;

6. Notes that a period of thirteen years has elapsed since a United Nations mission visited the Territory.

VII. Montserrat

The General Assembly,

Referring to resolution A above,

Having heard the statement of the representative of the United Kingdom of Great Britain and Northern Ireland, as the administering Power, 13/

Recalling the devastation caused by hurricane Hugo in September 1989 and the recovery efforts of the territorial Government in conjunction with the administering Power and the international community,

Taking into account the membership of Montserrat in regional and international bodies and the outstanding request of the Territory for

readmission to associate membership in the United Nations Educational, Scientific and Cultural Organization,

Noting the general elections held in Montserrat on 8 October 1991 and the election of a new Chief Minister,

Noting that it is the policy of the territorial Government, while considering that independence is inevitable, to pursue a gradual approach to preparing the people of Montserrat for independence,

Noting also that, according to the Eastern Caribbean Central Bank, the economy of the Territory had continued its recovery,

Taking note of the statement of the Chief Minister at the Fifteenth Annual Miami Conference on the Caribbean in December 1991 that the offshore financial services industry required little or no natural resources and could make a substantial contribution to small island countries,

Noting the policy of the territorial Government to replace expatriates with suitably trained and qualified nationals,

Noting also that planned developments in the Territory aimed at enhancing the island's attractiveness as a tourist destination may impact negatively on the environment, in the absence of effective natural resource management,

Recalling that the last United Nations visiting mission to the Territory took place in 1982,

1. Urges the administering Power to continue to intensify and expand its programme of aid in order to accelerate the development of the economic and social infrastructure of the Territory;

2. Reiterates its call upon the administering Power, in cooperation with the territorial Government, to take the necessary steps as a matter of urgency to facilitate the readmission of Montserrat as an associate member of the United Nations Educational, Scientific and Cultural Organization;

3. Urges the specialized agencies and other organizations of the United Nations system, as well as regional and other multilateral financial institutions, to continue to expand their assistance to the Territory in the strengthening, development and diversification of the economy of Montserrat in its medium- and long-term development plans, as well as in alleviating the devastation caused by hurricane Hugo;

4. Requests the administering Power to continue to facilitate the assistance of the specialized agencies and other organizations of the United Nations system, as well as regional and multilateral financial institutions, to the Government of Montserrat;

5. Calls upon the administering Power, in cooperation with the territorial Government, to assist the Territory in its efforts to implement an ecotourism strategy aimed at developing its natural resources in a manner consistent with environmental considerations;

6. Notes with satisfaction the measures being taken by the territorial Government, in cooperation with the administering Power, to restore the Territory's offshore financial services industry;

7. Urges the administering Power to continue its assistance to the Territory in the prevention of drug trafficking and money laundering;

8. Urges the administering Power, in cooperation with the territorial Government, to provide the necessary assistance for the training of local personnel in the skills essential to the development of the Territory and to encourage skilled workers to remain in the Territory;

9. Notes with regret that a period of ten years has elapsed since a United Nations mission visited the Territory and calls upon the administering Power to facilitate the dispatch of a visiting mission to Montserrat.

VIII. Tokelau

The General Assembly,

Referring to resolution A above,

Having heard the statement of the representative of New Zealand, the administering Power, 14/

Noting the continuing devolution of power to the local authority, the General Fono (Council), and mindful that the cultural heritage and traditions of the people of Tokelau should be taken fully into account in the evolution of the political institutions of Tokelau,

Noting also the endeavours of Tokelau to develop its marine and other resources and its efforts to diversify the income-earning ability of its population,

Noting further the concern of the people of the Territory regarding the serious consequences of changes in climatic patterns on the future of Tokelau,

Welcoming the information that Tokelau, while wishing to preserve the benefits of its current relationship with New Zealand, is exploring ways of achieving greater political and administrative autonomy,

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14/ A/C.4/47/SR.6.

Noting with appreciation the assistance extended to Tokelau by the administering Power, other Member States and international organizations, in particular the United Nations Development Programme, and its preparation of a third country programme for Tokelau for the period 1992-1996,

1. Encourages the Government of New Zealand, the administering Power, to continue to respect fully the wishes of the people of Tokelau in carrying out the political and economic development of the Territory in such a way as to preserve their social, cultural and traditional heritage;

2. Calls upon the administering Power, in consultation with the General Fono (Council), to continue to expand its development assistance to Tokelau in order to promote the economic and social development of the Territory;

3. Notes that the plan to transfer the Office for Tokelau Affairs from Apia to Tokelau is being pursued within the context of the exploration of ways of achieving greater political and administrative autonomy, and invites the administering Power to continue to provide maximum assistance in this regard;

4. Invites all governmental and non-governmental organizations, financial institutions, Member States and organizations of the United Nations system to grant or to continue to grant Tokelau special emergency economic assistance to mitigate the effects of cyclonic storms and to enable the Territory to meet its medium- and long-term reconstruction and rehabilitation requirements and to address the issues of changes in climatic patterns.

IX. Turks and Caicos Islands

The General Assembly,

Referring to resolution A above,

Having heard the statement of the representative of the United Kingdom of Great Britain and Northern Ireland, as the administering Power, 13/

Noting the territorial Government's plan to reform the public service to enhance its efficiency,

Noting the administrative steps taken by the territorial Government to implement its policy of localization of employment,

Noting also the Government's expressed need for $11.5 million per year in development assistance to achieve its stated goal of economic independence by the year 1996,

Noting the Government's efforts to set up a Turks and Caicos development corporation,

Noting further that the agricultural sector is small and limited to subsistence farming for the local market, and that 90 per cent of the food consumed in the Territory is imported,

Concerned at the continued decline of fisheries and marine production in relative terms in the past year,

Taking note of the Chief Minister's attendance at the Twelfth Meeting of the Conference of Heads of Government of the Caribbean Community, held at Basseterre, Saint Kitts, in July 1991,

1. Calls upon the territorial Government to promote alternative employment opportunities for those civil servants whose employment will have been terminated as a result of the public service reform and the planned reduction of employees in the service;

2. Also calls upon the Government to ensure that the employment of expatriates in the Territory's labour force is not prejudicial to the recruitment of suitably qualified and available islanders;

3. Calls upon the specialized agencies and other institutions of the United Nations system to explore concrete ways of assisting the Turks and Caicos Government to reach its stated goal of achieving economic independence by 1996;

4. Urges the administering Power to study favourably, in cooperation with the territorial Government, the needs of the Territory in this respect with a view to meeting those needs;

5. Invites international financial institutions and donor organizations, including the European Investment Bank and the Commonwealth Development Corporation, to provide the Territory with the necessary assistance for the setting up and/or operation of the Turks and Caicos Development Corporation;

6. Urges the administering Power and the relevant regional and international organizations to assist the territorial Government in increasing the efficiency of the agricultural and fisheries sectors;

7. Also urges the administering Power and the relevant regional and international organizations to support the efforts of the territorial Government to address the problem of environmental pollution and degradation;

8. Takes note of the admission of the Turks and Caicos Islands as an associate member of the Caribbean Community and invites other regional and international organizations to consider granting the Territory a similar status should the territorial Government so request;

9. Notes with regret that a period of twelve years has elapsed since a United Nations mission visited the Territory and appeals to the administering Power to facilitate the dispatch of such a mission.

X. United States Virgin Islands

The General Assembly,

Referring to resolution A above,

Having heard the statement of the representatives of the United States of America as the administering Power, 12/

Having heard the statement of the representative of the Government of the United States Virgin Islands,

Noting that legislation has been approved in the Virgin Islands Senate and signed into law by the Governor of the Territory to conduct a referendum on political status in 1993,

Noting also that the extension to ninety days of the residency requirement for voting has not addressed the concerns of the representatives of the territorial Government and those of the Commission on Status and Federal Relations regarding eligibility to participate in a referendum on self-determination,

Noting further that legislation has been proposed in the United States Congress to transfer Water Island to the Territory at the end of 1992, and that the issue remains under consideration,

Noting the position of the judicial authorities of the United States of America regarding the issue of the West Indian Company's title and rights to the reclamation and development of the submerged land at Long Bay in the Charlotte Amalie Harbour,

Noting the continuing interest of the territorial Government in seeking associate membership in the Organization of Eastern Caribbean States and observer status in the Caribbean Community, and its inability for financial reasons to participate in the Food and Agriculture Organization of the United Nations and the World Health Organization,

Noting the expressed concerns of the Virgin Islands Government and people of the Territory over the vacancy of the District Court judgeship and their wish for the appointment of Virgin Islanders to other top posts in the judicial system,

Recalling the dispatch in 1977 of a United Nations visiting mission to the Territory and the outstanding request by the territorial Government for a United Nations mission to the Territory to observe the referendum process,

1. Requests the administering Power to provide the fullest cooperation and assistance to the territorial Government and the Commission on Status and Federal Relations in their review of the residency requirement for those eligible to participate in a genuine exercise of the right to self-determination in the United States Virgin Islands;

2. Invites the administering Power, as a matter of urgency, to facilitate the termination of Federal ownership of Water Island at the end of 1992;

3. Notes that a nominee has been named for a district court judgeship, and that the distrct court judge on Saint Croix is a Virgin Islander;

4. Reiterates its request to the administering Power to facilitate as appropriate the participation of the Territory in the Organization of Eastern Caribbean States and the Caribbean Community, as well as in various international and regional organizations, including the Caribbean Group for Cooperation in Economic Development of the World Bank, in accordance with the policy of the administering Power and the terms of reference of such organizations;

5. Calls upon the administering Power to respond favourably to the request of the territorial Government for the dispatch of a United Nations visiting and observer mission to the Territory.

* * *

25. The Fourth Committee also recommends to the General Assembly the adoption of the following draft consensuses:

DRAFT CONSENSUS I

Question of Gibraltar

The General Assembly, recalling its decision 46/420 of 11 December 1991 and recalling at the same time that the statement agreed to by the Governments of Spain and the United Kingdom of Great Britain and Northern Ireland at Brussels on 27 November 1984 15/ stipulates, inter alia, the following:

> "The establishment of a negotiating process aimed at overcoming all the differences between them over Gibraltar and at promoting cooperation on a mutually beneficial basis on economic, cultural, touristic, aviation, military and environmental matters. Both sides accept that the issues of sovereignty will be discussed in that process. The British Government will fully maintain its commitment to honour the wishes of the people of Gibraltar as set out in the preamble of the 1969 Constitution",

takes note of the fact that, as part of this process, the Ministers for Foreign Affairs have held annual meetings alternately in each capital, and urges both Governments to continue their negotiations with the object of reaching a definitive solution to the problem of Gibraltar in the light of relevant resolutions of the General Assembly and in the spirit of the Charter of the United Nations.

15/ A/39/732, annex.

DRAFT CONSENSUS II

Question of Pitcairn

The General Assembly, having examined the situation in Pitcairn, reaffirms the inalienable right of the people of Pitcairn to self-determination in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, which fully applies to the Territory. The Assembly further reaffirms the responsibility of the administering Power to promote the economic and social development of the Territory. The Assembly urges the administering Power to continue to respect the very individual lifestyle that the people of the Territory have chosen and to preserve, promote and protect it. The Assembly requests the Special Committee to continue to examine the question of Pitcairn at its next session and to report thereon to the Assembly at its forty-eighth session.

* * *

26. The Fourth Committee further recommends to the General Assembly the adoption of the following draft decision:

DRAFT DECISION

Question of St. Helena

1. The General Assembly, having examined the question of St. Helena, reaffirms the inalienable right of the people of St. Helena to self-determination and independence in conformity with the Declaration on the Granting of Independence to Colonial Countries and Peoples, contained in Assembly resolution 1514 (XV) of 14 December 1960. The Assembly urges the administering Power, in consultation with the Legislative Council and other representatives of the people of St. Helena, to continue to take all necessary steps to ensure the speedy implementation of the Declaration in respect of the Territory and, in that connection, reaffirms the importance of promoting an awareness among the people of St. Helena of the possibilities open to them in the exercise of their right to self-determination.

2. The Assembly reaffirms the responsibility of the administering Power to promote the economic and social development of the Territory and calls upon the administering Power to continue, in cooperation with the territorial Government, to strengthen the economy, to encourage local initiative and enterprise and to increase its assistance to diversification programmes with the aim of improving the general welfare of the community, including the employment situation of the Territory.

3. The Assembly urges the administering Power, in cooperation with the territorial Government, to continue to take effective measures to safeguard and guarantee the inalienable right of the people of St. Helena to own and dispose of the natural resources of the Territory, including marine resources,

and to establish and maintain control over the future development of those resources.

4. The Assembly reaffirms that continued development assistance from the administering Power, together with any assistance that the international community might be able to provide, constitutes an important means of developing the economic potential of the Territory and of enhancing the capacity of its people to realize fully the goals set forth in the relevant provisions of the Charter of the United Nations. The Assembly, in that connection, welcomes the assistance rendered by the United Nations Development Programme and invites other organizations of the United Nations system to assist in the development of the Territory.

5. The continued presence of military facilities in the Territory prompts the Assembly, on the basis of previous United Nations resolutions and decisions concerning military bases and installations in colonial and Non-Self-Governing Territories, to urge the administering Power to take measures to avoid the involvement of the Territory in offensive acts or interference against neighbouring States.

6. The Assembly considers that the possibility of dispatching a United Nations visiting mission to St. Helena at an appropriate time should be kept under review, and requests the Special Committee to continue to examine the question of St. Helena at its next session, and to report thereon to the Assembly at its forty-eighth session.

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IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES

Cooperation and coordination of specialized agencies and the international institutions associated with the United Nations in their assistance to Non-Self-Governing Territories

Report of the Secretary-General

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I. INTRODUCTION

1. In its resolution 46/70 of 11 December 1991, the General Assembly invited the specialized agencies and the international institutions associated with the United Nations to increase their participation in the debates of the General Assembly on the remaining Non-Self-Governing Territories, with a view to apprising the Assembly of their development programmes in those Territories and thereby facilitating more informed comments on their work.

2. The General Assembly, in resolution 46/70, also requested the Secretary-General to take the necessary measures for promoting and expanding cooperation and coordination among the specialized agencies and the international institutions associated with the United Nations in their assistance to Non-Self-Governing Territories and to report to the General Assembly at its forty-seventh session on the implementation of that resolution.

3. On 19 June 1992, the Secretary-General transmitted the text of resolution 46/70 to the following United Nations departments and organizations: Department of Economic and Social Development of the Secretariat; United Nations Children's Fund; United Nations Conference on Trade and Development; United Nations Development Programme; United Nations Environment Programme; United Nations Population Fund; United Nations Institute for Training and Research; World Food Programme; Economic Commission for Latin America and the Caribbean; United Nations Centre for Human Settlements; Office of the United Nations High Commissioner for Refugees; International Labour Organisation; Food and Agriculture Organization of the United Nations; United Nations Educational, Scientific and Cultural Organization; International Civil Aviation Organization; World Health Organization; World Bank; International Monetary Fund; Universal Postal Union; International Telecommunication Union; World Meteorological Organization; International Maritime Organization; World Intellectual Property Organization; International Fund for Agricultural Development; United Nations Industrial Development Organization; International Atomic Energy Agency; General Agreement on Tariffs and Trade.

II. FOLLOW-UP ACTION ON THE IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 46/70

A. Participation of the specialized agencies and the international institutions associated with the United Nations in the debates of the General Assembly

4. In pursuance of paragraph 1 of resolution 46/70, the following specialized agencies and international institutions associated with the United Nations participated in the work of the Fourth Committee at the forty-seventh session of the General Assembly: the Food and Agriculture Organization of the United Nations (FAO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Development Programme (UNDP).

5. Addressing the Fourth Committee at its 3rd meeting, on 13 October 1992, the representative of FAO outlined the development projects being executed by FAO in a number of Territories in the Caribbean and Pacific regions, namely, Anguilla, Montserrat and the British Virgin Islands, in the Caribbean, and Tokelau and the Trust Territory of the Pacific Islands (A/C.4/47/SR.3).

6. At the same meeting, the representative of UNESCO informed the Fourth Committee that UNESCO had continued its programmes of assistance to Anguilla, the British Virgin Islands, the Cayman Islands, Montserrat and the Turks and Caicos Islands. Those projects related, inter alia, to the development of teaching materials, the provision of scholarships, the restoration of historical sites, the upgrading of information facilities and the eradication of illiteracy. Some of those projects were executed jointly with the British Development Division (A/C.4/47/SR.3).

7. At the Fourth Committee's 5th meeting, on 20 October 1992, the representative of UNDP stated that, over the period 1987-1991, UNDP support for the efforts of Non-Self-Governing Territories in the Caribbean had focused on enhancement of national capacities through assistance in areas such as reform of the public sector, human resource development with a focus on education, and the services sector, particularly offshore financing. For the period 1992-1996, UNDP assistance would be aimed at supporting local government efforts in the following areas:

(a) Reconciling the increasingly complex problem of environmental degradation with the imperatives of continued growth;

(b) Developing appropriate human resource development strategies to cope more aggressively with the need for improved performance in the education sector, for skills-upgrading and for improved management in the public sector;

(c) Building up capacity and capability to reduce vulnerability to natural disasters through integration of disaster response, prevention and mitigation strategies with the mainstream development planning processes (A/C.4/47/SR.5).

8. According to UNDP estimates, given the current trend in economic performance, only Anguilla and the Turks and Caicos Islands might continue to be eligible for grant technical assistance from UNDP by the end of the current programming cycle (1992-1996). The British Virgin Islands, the Cayman Islands and Montserrat were expected to reach net contributor status by that time. Further information provided by UNDP indicated, however, that those Territories that had reached net contributor status would continue to receive assistance through multi-island and regional programmes, as well as from UNDP's special programme resources.

B. Additional information on assistance to Non-Self-Governing Territories by the specialized agencies and the international institutions associated with the United Nations

9. On 14 February 1992, at the 8th meeting of its special session, the Governing Council of UNDP, after considering the recommendations of the Standing Committee for Programme Matters, adopted decision 92/10, which, inter alia, approved the extension of the first country programme for Anguilla.

10. On 26 May 1992, at the 31st meeting of its thirty-ninth session, the Governing Council adopted decision 92/25, by which it, inter alia, approved the following country programmes:

Asia and the Pacific	
Third country programme for Tokelau	DP/CP/TOK/3
Latin America and the Caribbean	
Second country programme for Anguilla	DP/CP/ANL/2
Third country programme for Montserrat	DP/CP/MOT/3
Fifth multi-island programme for countries of the Eastern Caribbean, including Anguilla, the British Virgin Islands and Montserrat	DP/CP/CAR/5

11. At the same meeting, the Governing Council took note of extensions of second country programmes for the British Virgin Islands (DP/CP/BVI/2/Extension I), the Cayman Islands (DP/CP/CAY/2/Extension I) and the Turks and Caicos Islands (DP/CP/TCI/2/Extension I). The Governing Council also took note of the intercountry programme for Latin America and the Caribbean (DP/RLA/4-DP/RLA/NOTE/4).

12. An overview of the assistance extended by the specialized agencies and the international institutions associated with the United Nations to non-Member countries, including the Non-Self-Governing Territories listed by the United Nations, is contained in table 1. UNDP indicative planning figures (IPFs) for the Non-Self-Governing Territories in the Asia/Pacific and the Latin American/Caribbean regions are given in table 2.

13. In a letter dated 7 August 1992, the World Meteorological Organization informed the Secretary-General of two projects on the reduction of natural disasters related to tropical cyclones in the South Pacific region which should benefit the Non-Self-Governing Territories in that region.

Table 1. Expenditures on operational activities of the United Nations system, by recipient country, 1991 (development grants)

(Thousands of US dollars)

	UNDP (1)	UNDP-administered funds (2)	UNFPA (3)	UNICEF (4)	WFP (5)	Regular budgets (6)	Extra-budgetary (7)	Total development grants (1-7) (8)
Anguilla	323	30	1	0	0	0	0	354
Aruba	157	0	0	0	0	5	0	162
Bermuda	1	0	0	0	0	0	0	1
British Virgin Islands	29	7	6	0	0	48	0	90
Cayman Islands	286	0	0	0	0	0	(2)	284
Cook Islands	205	166	38	0	0	319	31	759
French Guiana	0	0	0	0	0	29	0	29
French Polynesia	0	0	0	0	0	46	0	46
Guam	0	0	0	0	0	40	0	40
Hong Kong	0	56	204	0	0	128	0	388
Kiribati	646	281	12	0	0	351	71	1 361
Marshall Islands	0	0	102	0	0	58	(6)	154
Montserrat	303	45	1	0	0	2	0	351
Netherlands Antilles	246	0	0	0	0	56	75	377
Niue	491	24	0	0	0	0	0	515
Pacific Islands	0	0	0	1 351	0	0	0	1 351
Réunion	0	0	0	0	0	33	0	33
Tokelau	399	0	0	0	0	0	0	399
Tonga	443	32	148	0	0	587	55	1 265
Trust Territory of the Pacific Islands	884	20	32	0	0	0	81	1 017
Turks and Caicos Islands	197	0	1	0	0	2	(2)	198
Tuvalu	386	424	95	0	0	28	0	933
Total	4 996	1 085	640	1 351	0	1 732	303	10 107

Table 2. UNDP indicative planning figures, 1972-1996

(Thousands of US dollars)

	Population*	1st cycle 1972-1976	2nd cycle 1977-1981	3rd cycle 1982-1986	4th cycle 1987-1991	5th cycle 1992-1996
Administering Authority and Territory:						
France						
New Caledonia	153 000	**	**	**	**	**
New Zealand						
Tokelau	2 000	-	150	760	1 197	1 197
United Kingdom						
Anguilla	7 000	-	-	640	1 068	1 068
Bermuda***	56 000	-	700	440	378	0
British Virgin Islands***	13 000	309	300	240	258	102
Cayman Islands	20 000	620	700	448	481	385
Falkland Islands (Malvinas)	2 000	**	**	**	**	**
Gibraltar	31 000	**	**	**	**	**
Montserrat	12 000	283	400	560	602	481
Pitcairn	57	**	**	**	**	**
St. Helena	6 000	-	-	264	478	1 405
Turks and Caicos Islands	8 000	332	400	680	971	971

/...

Table 2 (continued)

	Population*	1st cycle 1972-1976	2nd cycle 1977-1981	3rd cycle 1982-1986	4th cycle 1987-1991	5th cycle 1992-1996
United States						
American Samoa	35 000	**	**	**	**	**
Guam	114 000	**	**	**	**	**
Trust Territory of the Pacific Islands	161 211	-	1 000	800	3 034	
Trust Territory of the Pacific Islands (Palau)						327
United States Virgin Islands	105 000	**	**	**	**	**
Other Territories:						
East Timor	659 000	**	**	**	**	**
Western Sahara	155 000	**	**	**	**	**

* United Nations, Demographic Yearbook, 1985 (United Nations publication, Sales No. E/F.86.XIII.1).

** No UNDP indicative planning figures established.

*** The fourth and fifth cycle IPFs of Bermuda and the British Virgin Islands still need to be confirmed by the Governing Council of UNDP.

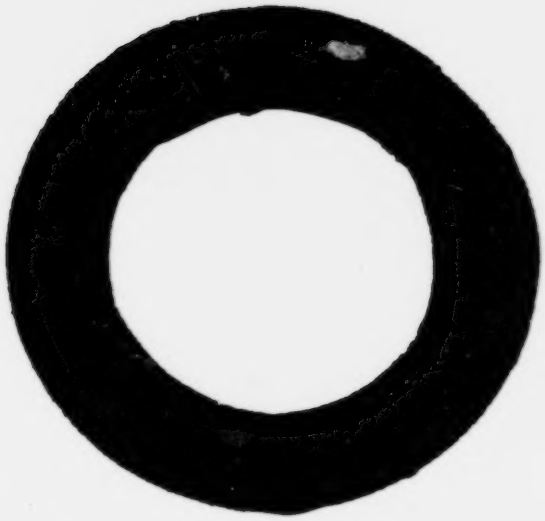
C. Cooperation and coordination among the specialized agencies and the international institutions associated with the United Nations

14. In its resolution 46/70, the General Assembly also requested the Secretary-General to take the necessary measures for promoting and expanding cooperation and coordination among the specialized agencies and the international institutions associated with the United Nations in their assistance to Non-Self-Governing Territories. Action taken by the Secretary-General in that connection is described in detail in his report on operational activities for development (A/47/419 and Add.1-3) prepared in pursuance of General Assembly resolutions 44/211 of 22 December 1989 and 46/219 of 20 December 1991.

15. In the above-mentioned report, the Secretary-General outlined his approach to enhancing international cooperation for development and the role of the United Nations system. He emphasized the concept of an integrated approach to international cooperation at the country level and called for a greater degree of coordination at that level.

16. As regards the Non-Self-Governing Territories, the secretariat of the Fourth Committee and the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples maintains close contact with UNDP, the United Nations Population Fund and the United Nations Children's Fund and with the Department of Economic and Social Development of the Secretariat, as well as with the liaison offices of the specialized agencies and the international institutions associated with the United Nations at Headquarters for exchange of information and to ensure that the specific objectives set by the General Assembly for United Nations assistance to those Territories are taken into account. Consultations are also held, as required.

17. In the latest such consultations, held on 23 October 1992, the representatives of specialized agencies and international organizations associated with the United Nations suggested, among other things, that the question of cooperation and coordination of assistance to Non-Self-Governing Territories could be dealt with within the Administrative Committee on Coordination and its subsidiary bodies. It was also suggested that consultations should be held on a regular basis with the United Nations Conference on Trade and Development, as the focal point within the United Nations system for island developing countries.



UNITED NATIONS

A

General Assembly

Distr.
GENERAL

A/47/650
9 November 1992

ORIGINAL: ENGLISH

Forty-seventh session
Agenda items 8 and 96

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

REPORT OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, QUESTIONS RELATING TO REFUGEES, RETURNEES AND DISPLACED PERSONS AND HUMANITARIAN QUESTIONS

Letter dated 9 November 1992 from the Permanent Representatives of Bosnia and Herzegovina and Croatia to the United Nations addressed to the President of the General Assembly

We have the honour to refer to rule 81 of the rules of procedure of the General Assembly (A/520/Rev.15), and respectfully request that the decision by which all the aspects of agenda item 96 are allocated for discussion and decision to the Third Committee of the General Assembly (see A/47/252) be reconsidered.

It is our opinion that the critical situation with refugees in the territories of two Member States, namely the Republic of Bosnia and Herzegovina and the Republic of Croatia, calls for the discussion of a part of that agenda item (item 96 (a), Report of the United Nations High Commissioner for Refugees) in plenary meeting of the General Assembly. Documents A/47/12 1/ and A/47/12/Add.1 2/ depict the situation with the refugees, returnees and displaced persons as a global problem, and thus the entire sub-item deserves to have an open discussion in plenary meeting.

Since there is imminent danger of starvation, freezing and death of an estimated 400,000 people in Bosnia and Herzegovina in the coming months; since there are approximately 750,000 refugees and displaced persons in Croatia that are in urgent need of help and assistance; since the Executive Committee of the Programme of the United Nations High Commissioner for Refugees has recognized that there is "extreme suffering" of the civilian population in the "former Yugoslavia" (see A/47/12/Add.1, para. 29) and that immediate measures need to be undertaken; since the situation has resulted in displacement of

"over three million persons and destruction on a massive scale" (ibid.); since this situation represents the most difficult humanitarian problem in Europe since the end of the Second World War - we believe that the discussion of this part of agenda item 96 should be reallocated to plenary meeting of the General Assembly.

We do not seek that agenda item 96 be reallocated from the proceedings of the Third Committee to the plenary in its entirety; we believe that the Third Committee should remain seized of the customary business of the item and could take up for debate the reports of the United Nations High Commissioner for Refugees (A/47/12 and Add.1).

But at the same time, the part of this debate relating to the situation in the territory of the former Yugoslavia - due to the importance of the issue and the immediate help that is needed to prevent the suffering and alleviate the already existing "extreme suffering" - should be placed on the agenda for one of the forthcoming plenary meetings of the General Assembly as soon as practicable.

We would kindly request the distribution of this letter as a document of the General Assembly under agenda items 8 and 96.

(Signed) Muhamed SACIRBEY
Permanent Representative of the
Republic of Bosnia and Herzegovina
to the United Nations

(Signed) Mario NOBILO
Permanent Representative of the
Republic of Croatia to the
United Nations

Notes

1/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 12 (A/47/12).

2/ Ibid., Supplement No. 12A (A/47/12/Add.1).

UNITED NATIONS

A

General Assembly

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GENERAL

A/47/651
13 November 1992

ORIGINAL: ENGLISH

Forty-seventh session
Agenda item 97 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Situation of human rights in Myanmar

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the preliminary report prepared by Professor Yozo Yokota (Japan), Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar, in accordance with paragraph 3 of Commission resolution 1992/58 of 3 March 1992 and Economic and Social Council decision 1992/235 of 20 July 1992.

ANNEX

Preliminary report on the situation of human rights in Myanmar prepared by Professor Yozo Yokota, Special Rapporteur of the Commission on Human Rights, in accordance with Commission resolution 1992/58

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I. INTRODUCTION

1. On 3 March 1992, at its forty-eighth session, the Commission on Human Rights adopted resolution 1992/58, entitled "Situation of human rights in Myanmar". In that resolution, the Commission noted that in accordance with the Charter, the United Nations promotes and encourages respect for human rights and fundamental freedoms for all, and that the Universal Declaration of Human Rights states that "the will of the people shall be the basis of the authority of government"; noted also with particular concern in that regard that the electoral process initiated in Myanmar by the general elections of 27 May 1990 had not yet reached its conclusion, that no apparent progress had been made in giving effect to the political will of the people of Myanmar, as expressed in the elections, and that the final results of the elections had not even been officially released; also noted that many political leaders, in particular elected representatives, remained deprived of their liberty and that Daw Aung San Suu Kyi was still under house arrest; and noted with concern the seriousness of the situation of human rights in Myanmar, the existence of important restrictions on the exercise of fundamental freedoms and the imposition of oppressive measures directed, in particular, at minority groups and the continuing exodus of Myanmar refugees to neighbouring countries, including Myanmar Muslim refugees to Bangladesh.

2. By paragraph 3 of resolution 1992/58, the Commission on Human Rights decided to nominate a Special Rapporteur to establish direct contacts with the Government and with the people of Myanmar with a view to examining the situation of human rights in Myanmar and to report to the General Assembly at its forty-seventh session and to the Commission on Human Rights at its forty-ninth session.

3. After consultation with the Bureau, the Chairman of the Commission on 10 June 1992 appointed Professor Yozo Yokota (Japan) as Special Rapporteur on the situation of human rights in Myanmar, pending approval of Commission resolution 1992/58 by the Economic and Social Council.

4. At its session of 20 July 1992, the Economic and Social Council adopted decision 1992/235 approving Commission resolution 1992/58.

5. The present preliminary report is submitted to the Secretary-General of the United Nations for dissemination to all States Members of the United Nations.

II. BACKGROUND

A. General

6. The situation of human rights in Myanmar was first considered by the Commission on Human Rights at its forty-sixth session, in 1990, under the procedure established by Economic and Social Council resolution 1503, after

having been considered by the Subcommission on the Prevention of Discrimination and Protection of Minorities at its fortieth and forty-first sessions, in 1988 and 1989, respectively. The Commission continued in 1991 its consideration of the situation in Myanmar under the procedure established in resolution 1503.

7. As mentioned above, the Commission decided at its forty-eighth session to appoint a Special Rapporteur to examine the situation of human rights in Myanmar and to report to the next sessions of the General Assembly and the Commission on Human Rights. The Commission also charged the Special Rapporteur with the expressed tasks of following any progress made towards the transfer of power to a civilian government and the drafting of a new constitution, the lifting of restrictions on personal freedoms and the restoration of human rights in Myanmar.

B. Chronology of events pertinent to the situation

8. In 1948 the Union of Myanmar (then called Burma) gained its independence from British colonial rule. From 1948 until 1962, the country was governed by a parliamentary democracy based on the Constitution of 2 September 1947.

9. The Constitution was drafted by consensus among the Barmar ("ethnic Burmans" who comprise approximately two thirds of the population) and most of the ethnic minorities, including the Shan, Rakhine, Kayin (Karen), Mon, Kachin, Chin, Karenni and Pa-o. It provided for a federal system of government with separate executive, legislative and judicial branches. The states, while belonging to the Union, were considered autonomous.

10. According to article 201 of the Constitution, ethnic minorities had, in theory, the right to secede from the Union, but, under article 202, that right was not to be exercised until 10 years from the date of entry into force of the Constitution.

11. In March 1948, an armed insurgency against the then Government of Burma was begun by the Communist Party of Burma. From 1948 until 1961, various minority ethnic groups joined the armed insurgency.

12. In March 1962, General Ne Win took power in a coup d'état. He installed a one-party (Burma Socialist Programme Party) military regime with military tribunals and courts and operated without a constitution. He embarked upon a programme known as the "Burmese Way to Socialism".

13. On 28 March 1964, the Law to Protect National Unity was promulgated, banning all political parties except the Burma Socialist Programme Party.

14. In 1974, a new Constitution was drafted. However, one-party rule continued.

15. By 1988, widespread dissent and demonstrations began in reaction to two factors, firstly, the suppression of all civil and political rights since the 1962 overthrow of the constitutional Government; and secondly, the economic failure caused by the Burmese Way to Socialism. The economy was in crisis. In September 1987, the major currency notes had been demonetized and approximately 70 per cent of all currency in circulation had been rendered valueless. There were also severe shortages of domestic goods and the country, once one of the world's major rice producers and exporters, lost its capacity to maintain its international market.

16. From March to June 1988, serious clashes between students and workers and the military took place. Hundreds of civilians were arrested, many were severely injured or died from ill-treatment in detention and many persons were summarily or arbitrarily executed. On 21 June 1988, the Government imposed a ban on all public gatherings.

17. On 23 July 1988, General Ne Win resigned as party leader, promising economic reform and the holding of a referendum to end one-party rule and institute a multi-party system.

18. Clashes continued between demonstrators and the army and riot police (Lon Htein). It is reported that between 8 August, when a nationwide strike was held, and 12 August approximately 3,000 persons were killed. All educational institutions were closed.

19. On 18 September 1988, the military took power. The State Law and Order Restoration Council (SLORC) was set up under the chairmanship of the Chief of Staff, Senior General Saw Maung.

20. The National Assembly (Pyithu Hluttaw), the Council of State and other governmental bodies were dissolved. Senior General Saw Maung became Prime Minister, Minister of Foreign Affairs and Minister of Defence.

21. Free elections were promised by SLORC. In response, three main opposition parties were established: the National League for Democracy (NLD), the National Unity Party (NUP, reconstituted from the Burmese Socialist Programme Party) and the League for Democracy (LDP).

22. On 23 September 1988, Senior General Saw Maung, as Chairman of SLORC, made a statement 1/ to the effect that three conditions for the holding of elections would have to be met:

> "1. Maintenance of law and order.
>
> "2. Providing smooth and secure transportation.
>
> "3. The State Law and Order Restoration Council will strive for better conditions of food, clothing and shelter of the people and render necessary assistance to the private sector and the cooperatives to do so."

23. In 1988, Daw Aung San Suu Kyi, daughter of U Aung San (the national hero of independence) and General Secretary of the National League for Democracy, was banned from campaigning on the grounds that she maintained unlawful association with insurgent organizations.

24. On 20 July 1989, Daw Aung San Suu Kyi was detained by government forces. Numerous other political leaders, including most of the important opposition to SLORC, were also arbitrarily detained and many of them remain so to date.

25. In May 1990, general elections were held. Widespread allegations of irregularities were reported. Nevertheless, the opposition (NLD) was reliably reported to have won the elections overwhelmingly.

26. SLORC set up an Election Commission to scrutinize the results of the elections and all expense accounts of all elected representatives. When this process is completed (SLORC has stated it does not want to rush the Commission), the winners of the elections will be announced and certificates to the winners will be issued.

27. A Constitutional Convention to decide the terms of the drafting of the constitution has been announced by SLORC with the participation of all parties. According to SLORC Order No. 11/92 of 24 April 1992 and citing SLORC Declaration No. 1/90 of 27 July 1990 (contained in Government of Myanmar Press Release No. 82, dated 26 June 1992), and according to SLORC Order No. 9/92 dated 28 May 1992, SLORC, through its Steering Committee, was given responsibility for preparation of the Coordination Meeting for the Convening of the National Convention. Leaders of lawfully existing political parties were to attend in numbers as designated by the Steering Committee. The nomination list of those representatives was to be sent to the Steering Committee 11 days prior to the meeting. The Steering Committee was given responsibility for inviting those elected individual representatives "standing lawfully" on the day the Order (28 May 1992) was issued. The Steering Committee was deemed responsible for determining the programmes related to the holding of the meeting, the topics to be discussed, determining the procedures, determining as necessary the daily and travel allowances of the representatives attending the meeting, submitting the report on the meeting to SLORC within one month of the meeting and carrying out all administrative functions.

28. Beginning in early 1992, a mass exodus of Myanmar Muslims from Northern Rakhine State into Bangladesh was reported. At least 250,000 such persons are reliably reported to have sought refuge for fear of persecution. On 28 April 1992, the Governments of Myanmar and Bangladesh signed an agreement for the safe, voluntary return of the refugees. The repatriation programme has been suspended at present as the refugees appear unwilling to return to Myanmar without adequate international monitoring. According to some reports, however, including government announcements, a small number of refugees have recently spontaneously returned.

C. The legal framework

29. As a Member State of the United Nations, the Union of Myanmar is bound to respect the human rights obligations contained in the Charter. Those obligations are expressed in the Preamble, Article 1 (c) and Article 55 (c). Further specificity to those obligations has been provided by, inter alia, the Universal Declaration of Human Rights (General Assembly resolution 217 A (III)); the United Nations Declaration on the Elimination of All Forms of Racial Discrimination (resolution 1904 (XVIII)); the Declaration on the Elimination of Discrimination against Women (resolution 2263 (XXII)); the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (resolution 36/55); the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (resolution 3452 (XXX)); the Declaration on the Rights of the Child (resolution 1386 (XIV)); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict (resolution 3318 (XXIX)). In addition to its obligations under the Charter of the United Nations, other conventional obligations include those arising under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the 1926 Slavery Convention (as amended by its Protocol of 7 December 1953), and the 1989 Convention on the Rights of the Child. It is also to be noted that Myanmar is a member of the International Labour Organisation (ILO) and is a party to its conventions concerning forced labour (No. 29) and concerning freedom of association and protection of the right to organize (No. 87).

30. On 24 August 1992, the Union of Myanmar acceded to the four Geneva Conventions of 1949 relative to the humanitarian laws of armed conflict. The treaty obligations undertaken by ratification are not retroactive in nature and may not be applied to actions that allegedly occurred prior to ratification.

31. In addition to its treaty obligations, Myanmar is obliged to respect the relevant rules of international customary law together with applicable general principles of law. Among these may be said to be the guarantees of article 3, common to the four Geneva Conventions of 1949, which, according to the International Court of Justice, reflect "certain general and well-recognized principles, namely: elementary considerations of humanity, even more exacting in peace than in war". 2/ Thus, the fundamental guarantees contained in common article 3 are applicable in all situations pertaining in the Union of Myanmar.

32. The Union of Myanmar is not a party to the International Covenant on Civil and Political Rights and its Optional Protocol nor to the International Covenant on Economic, Social and Cultural Rights, nor is it a party to the 1951 Convention relating to the Status of Refugees or to the 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

III. MEMORANDUM OF THE SPECIAL RAPPORTEUR TO THE GOVERNMENT OF MYANMAR

33. The following questions were addressed to the Government of Myanmar by the Special Rapporteur:

(a) With regard to preparations for the National Convention for drafting a new democratic state constitution, please indicate the nature and advancement of these preparations and in particular: the members of the Steering Committee that will steer the holding of the Coordination Meeting for the Convening of the National Convention; the purpose of the Coordination Meeting; which political parties and how many members from each party will participate; how it is determined if these parties and each individual representative from each party is "lawfully standing" (as prescribed by SLORC Order No. 9/92 dated 28 May 1992); what the role and competency will be of the Steering Committee in the preparation, holding and aftermath of the Meeting and the Convention; the projected timetable for the holding of the Convention; the projected timetable for the drafting of the new constitution and the projected timetable for the transfer of power to a civilian government?

(b) With regard to the political leaders deprived of liberty, would the Government please provide: a copy of the list of persons in detention and of those released during the course of 1992 indicating which among these persons were/are active members of their political parties and those who stood for the general elections; the charges brought in each case of arrest or detention; whether the person was brought before a magistrate prior to trial and within how much time subsequent to arrest; whether a trial was held for each case of detention or arrest; how the courts were constituted and what the trial procedures are under the law; whether pre-trial and/trial counsel were provided; what provisions for notification of detention to relatives exist under the law; whether each detainee was or is allowed visits by relatives and a lawyer; whether final sentence was passed in each case and who is responsible for determining the length and kind of sentence according to what provision of law?

(c) The recent decision of the Government of Myanmar to sign and ratify the four Geneva Conventions of 1949 is highly welcomed. What steps have been taken to adhere to the two Protocols Additional to the Geneva Conventions, particularly the Second Protocol Additional to the Conventions? Please indicate any steps taken to adhere to any of the international human rights instruments, particularly the Covenants on Civil and Political Rights and on Social, Cultural and Economic Rights and the Convention on Torture.

(d) Concerning the Muslim people of Northern Arakan State: please indicate what is the residency status under law of this population (i.e., citizens, legal residents, immigrants, illegal residents); what provision(s) of law determine(s) this status; what provision(s) of law provide(s) for freedom of religious belief and religious expression and to what extent is religious expression limited under the law? Please explain the reasons for the flow of the Muslim population from Arakan State to Bangladesh and why the

flow has greatly increased in the last year; the problem of "human traffic"; the bilateral solutions undertaken by the Government of Myanmar to stop the movement of this population to Bangladesh; how many persons have returned or been repatriated to Myanmar from Bangladesh and the aid provided by the Government of Myanmar to those who have returned to Myanmar.

(e) Please describe any other recent steps taken by the Government of Myanmar in the field of human rights that the Government wishes to bring to the attention of the Special Rapporteur.

IV. RESPONSE OF THE GOVERNMENT OF MYANMAR TO THE MEMORANDUM OF THE SPECIAL RAPPORTEUR

34. The following responses to the Special Rapporteur's memorandum were received:

(a) On 26 October 1992, the Government of Myanmar responded by a note verbale that with regard to allegations of ill-treatment of the ethnic and religious minorities by the Myanmar armed forces and the paramilitary security forces, the Government rejected the allegations as untrue. They responded that those forces were required by law to observe a strict code of conduct. With regard to other allegations of ill-treatment of porters by the armed forces, the Government responded that investigations revealed those allegations to be unsubstantiated and unfounded; with regard to detentions of persons, action was said to have been taken for violations of existing laws.

(b) On 23 October 1992, the Government responded to the memorandum of the Special Rapporteur (and on 26 October 1992 it again responded completing its answers to the memorandum). The full text of that response is contained in the appendix to the present report. (With regard to the annexes supplementing the responses of the Government of Myanmar and citing the pertinent SLORC Orders, these documents are maintained by the secretariat and are available for consultation upon request.)

V. PROPOSED VISIT TO MYANMAR BY THE SPECIAL RAPPORTEUR

35. The Special Rapporteur has envisaged a visit to Myanmar from 7 to 15 December 1992. He has requested the honour of audiences with high governmental officials, meetings in circumstances providing confidentiality with political leaders, including those in detention or under restriction such as Daw Aung San Suu Kyi, and full and free access to other individuals, non-governmental and intergovernmental organizations that may be deemed necessary to carry out the mandate of the Rapporteur. Unrestricted visits to prisons and other centres of detention have also been requested.

36. The Rapporteur has further requested full access to all areas of the country in which information may be gathered that is deemed necessary for the completion of his mandate.

37. The Rapporteur has also envisaged carrying out visits to Thailand (from 5 to 7 December 1992) and Bangladesh (from 15 to 18 December 1992) for the purpose of gathering information and testimony from refugees regarding the situation in the country of origin (Myanmar), as well as from other individuals and groups who may provide information pertinent to the situation of human rights in Myanmar.

38. As regards the situation of human rights in Myanmar, which will be examined carefully by the Special Rapporteur during his visit, the Special Rapporteur has been made aware of hundreds of cases of violations of human rights that have been received by the United Nations Centre for Human Rights alleged to have occurred in Myanmar. Many of these allegations have been channelled to the Special Rapporteurs or Working Groups on thematic issues as follows.

A. Arbitrary detention

39. The United Nations Centre for Human Rights has received information concerning 914 cases of alleged arbitrary detentions reported to have occurred in Myanmar. The persons reportedly detained include members of Parliamant, political party leaders, writers, students, business persons, teachers, Buddhist monks, civil servants, farmers and peddlers.

40. In cases where the legislative basis for detention has been indicated, section 10 (a) of the 1975 State Protection Law, section 5 (j) of the Emergency Provisions Act, section 17.1 or 17.2 of the Unlawful Association Act, section 19.1 of the Provisional Arms Act and the Printers and Publishing Law have most frequently been cited.

41. According to information provided by the Government of Myanmar, 427 persons previously under detention have been released since April 1992 in accordance with Declaration 11/92.

42. The Special Rapporteur was informed that in the case of Daw Aung San Suu Kyi, the Government of Myanmar has allowed the family to visit her in restrictive detention and to bring necessary foodstuffs.

B. Disappearances

43. The Working Group on Enforced or Involuntary Disappearances maintains files on two outstanding cases of enforced or involuntary disappearances alleged to have occurred in Myanmar as well as one case clarified in 1992 by the Government of Myanmar. In addition, the Working Group has been seized of numerous other cases in which the relatives of the disappeared persons have been unable, or have felt too intimidated, to provide all essential elements necessary for the Working Group to process the cases under the Working Group's methods of work. A preponderance of cases received allege that victims belong primarily to the Muslim population of Northern Rakhine State and to the Karen community.

44. Cases of disappearances have allegedly occurred in the context of forced relocations of entire villages by the army, round-ups reportedly for forced recruitment of porters or minesweeps for the army or for recruitment of young men to serve in the army. It has been reported that in many cases the males have either already been recruited or fled for safety at the approach of the army. In such cases, the women and young girls have been left at considerable risk and many of the alleged violations concern this vulnerable group.

45. One example is the case of a 12-year-old girl from Bawli Bazaar, Akyab, Northern Rakhine State. In January 1992, allegedly during a period of increased forced recruitment of civilians by the army to build roads and level hills, five soldiers came to the girl's family home reportedly to recruit males. Upon finding the young girl, it is alleged the five soldiers took turns raping her and then abducted her. She has not been heard of since despite a long search undertaken by her family.

C. Torture, cruel, inhuman or degrading treatment

46. The Centre for Human Rights has been seized of more than 100 well-documented cases of alleged torture or cruel, inhuman or degrading treatment alleged to have been committed by the SLORC army in the context primarily of forced recruitment and forced labour. Again, the preponderance of cases, particulary those alleged to have occurred in 1992, pertain to victims belonging to the Muslim population of the Northern Rakhine State as well as those belonging to the Karen community.

47. Examples of torture include cases such as porters being forced to carry loads they cannot bear. When they are too sick or weak to continue, they are allegedly beaten with rifle butts, kicked and left by the wayside. Those too weak to move have reportedly been burned alive and any who survive have been left to die.

48. In another reported case, soldiers from the 82nd Company based in Thentarang Camp went through the Hangdaung village recruiting people for forced labour. A dozen females, including old women and children, were tied together and taken away. During the journey, the old women were allegedly frequently beaten for their inability to keep up. Upon reaching a camp, the females were separated "by beauty". The old women and youngest girls sat under guard, while the others were taken into rooms and raped without stop for several days and denied food or sleep.

49. In another case demonstrating a continual pattern of abuse, many women of Hashuradha village in Maungdaw, Northern Rakhine State, stated in 1992 that for the past two years, soldiers had entered their homes on many occasions and raped them repeatedly.

50. Torture of detainees to extract confessions has also been reported. The torture has been said to have occurred primarily during periods of prolonged incommunicado detention and several of the security forces, including the

regular army, have allegedly been involved. The use of electric shocks, using prisoners as "motorcycles", burnings and continual beatings have been described in cases received.

51. In one reported case in Immuddinpara, Rama Musleroi, Bauthidaung, a young man returned from forced portering to find that his sister and brother had been abducted by security forces. Because he was a village headman, he believed he would be safe in approaching the army with regard to his siblings. He disappeared. About three weeks later, his body and that of his brother were found by the man's wife. His genitals had been cut off, his eyes gouged out, both hands cut off and his torso had been sliced in two.

52. Cruel, inhuman or degrading treatment has also been reported during periods of detention. Deprivation of food, sleep and light have been reported in various cases. Situations of forced portering have been described as including almost constant cruel and inhuman treatment. Forcing persons to bear undue weights, to withstand physical conditions without proper food and clothing, lack of medical attention if porters fall ill and the constant use of ankle chains have been reported.

D. Summary or arbitrary execution

53. Information concerning numerous well-documented cases of summary and arbitrary execution alleged to have occurred in Myanmar, and particularly affecting the Muslim people of Northern Rakhine State, has been received at the Centre for Human Rights. In some cases, trials are said to have been held; however, reports indicate that many trials have been carried out without the proper judicial guarantees. In other cases, no trial has been held. One such report alleges that, on 20 September 1991, in Law Kyar Village, Phru So, Kayah State, a young man was summoned by Burma Infantry Regiment No. 102. The soldiers allegedly accused him of being a rebel agent, took him into the forest and executed him.

54. Large numbers of reported cases of arbitrary executions allegedly occurred in the context of forced portering. In reports received from Kiladaung Village, Maungdaw, Northern Rakhine, numerous persons who tried to escape were beaten or shot to death. It is alleged that porters are always threatened that if they escape their families will be killed.

55. Other arbitrary executions have been reported in the context of forced relocations of persons, sometimes entire villages. In one case received, villagers from Ludengpara, Buthidaung, were forced by soldiers to move out of the village in February 1992. Over 120 women, many with children, were tied together and moved. Along the way, many of the women could not continue and children began to cry. It is alleged that crying babies and children were taken from the mothers and thrown over the roadside. Over 20 children were allegedly lost in one night.

VI. PRELIMINARY OBSERVATIONS AND RECOMMENDATIONS

A. Preliminary observations

56. Since the Special Rapporteur intends to visit Myanmar and the bordering States in December, it is not feasible to reach conclusions for the present report on the many allegations on violations of human rights that have been reported to him. The initial written exchange with the Government, however, allows for preliminary observations as to that material. It is hoped that information gathered during the Special Rapporteur's visit, as well as continued dialogue with the Government of Myanmar, will facilitate conclusions to be included in the Special Rapporteur's comprehensive report to the forty-eighth session of the Commission on Human Rights.

57. By note verbale, the Government informed him that, by SLORC Order No. 12/92, Martial Law Orders 1/89 of 17 July 1989 and 2/89 of 18 July 1989, investing certain military commanders within their respective military regions with executive and judicial powers, had been rescinded. It also indicated that by SLORC Order No. 10/92 of 10 September 1992 the curfew imposed from 11 p.m. to 4 a.m. had been lifted.

58. The Special Rapporteur has also been informed that other SLORC Orders still in effect include, inter alia, 1/91, prohibiting civil servants from participating in politics and their dependents or persons under their guardianship from participating directly or indirectly in activities aimed at opposing the Government; 2/88, prohibiting the assembly of five or more persons; and 3/90, relating to the right to assemble and campaign, which forbids criticism of authorities or the defence forces, insults to SLORC and solidarity of the national races, which may be punishable by up to three years in prison and a fine. Order No. 6/90 of October 1990, bans all unlawful Sangha (Buddhist monk) organizations except the nine sects of Sanghas and has made action possible against political parties for the "misuse" of religion for political purposes. In addition, the 1962 Printers' and Publishers' Law, as amended by SLORC in July 1989, remains in effect. Under this law, "legal organizations that have registered and that wish to print and publish documents, books and printed material, will have to register with the Ministry of Home and Religious Affairs and apply for exemption in accordance with the 1962 Printers' and Publishers' Law". All material is prohibited that opposes the SLORC, the regional LORC at different levels, or the Government; insults, slanders or attempts to divide the defence forces; instigates actions that affect law and order and peace and tranquillity; or contradicts the orders that have been issued whenever necessary. The 1975 State Protection Act, as amended in August 1991 by SLORC, remains in effect. It allows the State to detain without trial for up to five years any person "who will do, is doing or has done, an act that endangers the peace of most citizens or the security of the State, or the sovereignty of the State". The 1950 Emergency Provisions Act remains and allows for the imprisonment for up to seven years of any person who either "infringes upon the integrity, health, conduct and respect of state military organizations and government employees", "spreads false news about the Government" or "disrupts the morality or the behaviour of a group of people".

59. With regard to the memorandum addressed to the Government of Myanmar (see para. 33), it should be noted that the fourth section, concerning the Muslim population of Northern Rakhine State, was not directly answered. The response indicates that the Constitutions of 1947 and 1974, which contain adequate provisions for all citizens to profess the religion of their choice, are no longer operative. No other legal basis attesting to the existence of religious tolerance or freedom in Myanmar has been detailed. Further, although the Special Rapporteur appreciates the constitutional safeguards presented, it should be noted that while the Constitution accords rights and protections regarding religious freedoms to all "citizens", the response of the Government (appendix, para. 36) elucidates that "those Muslims of Bengali stock living on the Myanmar-Bangladesh border are not Myanmar citizens according to the Myanmar Citizenship Law". The Special Rapporteur hopes that further exchanges with the Government of Myanmar will shed light on the legal status, rights and protections of the Muslim population of Northern Rakhine State. With regard to the de facto situation of the Muslim population, while the Special Rapporteur also appreciates the statement of the Government that "many national races ... have lived together in amity and harmony for a long time" and that the fact that "the four major religions have existed and flourished in peace is an eloquent testimony to the existence of religious freedom in Myanmar", the situation of 250,000 Muslim refugees in Bangladesh who refuse to return to Myanmar without adequate international monitoring of a safe return and reinstallation continues to be a matter of concern to the Special Rapporteur and he looks forward to an ongoing dialogue with the Government on the question.

60. With regard to the question of "matters concerning arrests or detention and trial of cases", the Special Rapporteur wishes to note that again the question posed by him was not specifically answered. The Code of Criminal Procedure and the criminal procedures used in detentions and trials of cases as detailed in the response of the Government are not the authority upon which any of the persons listed in annexures F or G were detained or tried. All of the listed persons were detained under section 5 (j), (a) or (b) of the Emergency Provision Act of 1950 or section 17 (1) of the Unlawful Association Act. In the Government's response, the Law Safeguarding the State against the Dangers or Subversive Elements of 1975 was not detailed and its role in any actual detentions and trials was not explained. The Special Rapporteur looks forward to an ongoing dialogue with the Government on further questions of laws regarding arrests, detentions, restrictions and trials and hopes that a copy in English of the Emergency Provisions Act will be provided to him.

B. Preliminary recommendations

61. The Special Rapporteur congratulates the Government of Myanmar on its recent accession to the four Geneva Conventions of 1949 and urges the Government to sign and ratify Protocol II additional to the Geneva Conventions of 1949 Relative to Conflicts of a Non-International Character and Protocol I Relative to Armed Conflicts of an International Character.

62. The Special Rapporteur further urges the Government of Myanmar to sign and ratify the Covenants on Civil and Political Rights and Economic, Social and Cultural Rights, the Optional Protocol to the Covenant on Civil and Political Rights, as well as the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

63. The Special Rapporteur encourages the Government of Myanmar, in a spirit of humanitarian goodwill, to invite the presence in Myanmar of the International Committee of the Red Cross and the United Nations High Commissioner for Refugees in order to carry out their purely humanitarian tasks.

64. The Special Rapporteur urges the Government of Myanmar to continue its policy of allowing Daw Aung San Suu Kyi to receive visits from her family and to receive all resources necessary for her well-being. The Special Rapporteur encourages the Government to extend this policy to other persons in detention or restriction.

Notes

1/ State Law and Order Restoration Council Chairman, Commander-in-Chief of the Defence Services, General Saw Maung's Addresses, p. 29.

2/ Nicaragua v. U.S.A., Merits, I.C.J Reports 1986, p. 114, paras. 215 and 218, citing Corfu Channel, Merits, I.C.J. Reports 1949, p. 22.

APPENDIX

Memorandum on the human rights situation in Myanmar by the Government of Myanmar

A. Preparations for the National Convention

1. Preparations are now in full swing for the convening of the National Convention in order to lay down the basic principles for the drafting of a firm and strong constitution.

2. In accordance with the programme of action spelt out in its Declaration No. 1/90 of 27 July 1990, the Government issued Declaration No. 11/92 on 24 April 1992, which maps out the programme to be implemented in a specific time-frame in respect of the National Convention that will set out the basic principles for a new constitution (annex A).

3. In accordance with the programme of implementation, a 15-member Steering Committee was established on 28 May 1992 by Notification No. 35/92. (Please see annex B for members of the Steering Committee.) With a view to holding the Coordination Meeting for the convening of the National Convention, Order No. 9/92 was issued on 28 May 1992. It sets out the number of elected representatives of the lawfully existing political parties to attend the Coordination Meeting. It also sets out duties to be carried out by the Steering Committee for the successful holding of the Coordination Meeting (annex C).

4. The Coordination Meeting met in June and July to discuss and coordinate the category and number of delegations to be invited to the National Convention. It completed its coordination work on 10 July 1992. General agreement was reached at the Coordination Meeting that elected representatives, representatives of the political parties, the national races, peasants, workers, the intelligentsia and technocrats, civil service personnel and specially invited persons are to be included to participate in the National Convention. Terrorist groups that renounce the path of armed struggle and return to the legal fold will also have an opportunity to participate. There is also complete convergence of views that the constitution to be drafted should uphold and safeguard the following three main national causes:

(a) Non-disintegration of the Union;

(b) Non-disintegration of national solidarity;

(c) Perpetuation of national sovereignty.

5. The National Convention is expected to be convened at the end of the year or by the beginning of 1993 at the latest.

6. In order that the National Convention may be convened systematically, successfully and smoothly, an 18-member Convening Commission for the National Convention has been formed by Order No. 13/92 of 2 October 1992 setting out the duties and functions of the Commission (annex D).

7. The Convening Commission, in order to carry out its duties and functions more effectively and successfully, formed a 36-member Management Committee for Convening the National Convention on 15 October 1992 (annex E).

B. Members of political parties against whom action has been taken during 1992 and list of persons in detention and those released during 1992

8. For members of political parties against whom action has been taken during 1992, please see the table in annex F.

9. For the list of persons in detention and of those released during 1992, please see the table in annex G.

[The above-mentioned lists are maintained by the secretariat and are available for consultation upon request. The Government indicated that action against 6 persons had been taken in 1992 and that out of 68 persons in detention in 1992, 29 were still in detention and 39 had been released. Note by the secretariat.]

Matters concerning arrests or detention and trial of cases

(a) Arrest and detention

10. In the Union of Myanmar, arrest or detention of a person is made in accordance with the provisions contained in the Code of Criminal Procedure. Under section 54 of the Code any police officer may, without an order from a magistrate and without a warrant, arrest any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been so concerned. Therefore, a police officer may not arrest a person without an order or a warrant from a magistrate for an offence that is not cognizable.

11. However, under section 61 of the Code of Criminal Procedure no police officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a magistrate under section 167, exceed 24 hours exclusive of the time necessary for the journey from the place of arrest to the police station, and from there to the magistrate's court.

12. Whenever a person is arrested and detained in custody, and it appears that the investigation cannot be completed within the period of 24 hours fixed by section 61, and there are grounds for believing that the accusation or information is well-founded, the officer-in-charge of the police station or the police officer making the investigation shall immediately submit to the nearest magistrate a copy of the diary of the case, and shall, at the same time, forward the arrested person to such magistrate. The magistrate may authorize the detention of the arrested person in custody for not more than 15 days in the case of an arrested person accused of an offence punishable with imprisonment for a term of less than seven years. If the offence is one punishable with imprisonment for a term of not less than seven years, the total period of detention shall, in no case, exceed a total of 30 days.

(b) Right of the accused while in custody

13. During the investigation by the police the arrested and detained person has the right to engage a lawyer, if he so desires. Under paragraph 1198 (3) of the Myanmar Police Manual, the arrested and detained person may, while in police custody, meet and seek advice from his lawyer or his relatives and friends. He may be provided with food of his liking by his relatives and friends.

14. Under section 496 of the Code of Criminal Procedure, he has the right to apply for granting of bail to the police officer either through his lawyer or by himself during the investigation by the police. If the offence alleged against him is a bailable one according to the second schedule of the said Code he shall, as of right, be released on bail. Even in non-bailable cases mentioned in the above schedule the arrested and detained person has the right to apply freely for bail to the magistrate concerned during the police investigation and the court may grant him bail according to the merits of the case. Even in cases where a person is accused of an offence punishable with death or transportation for life, the Court may grant bail to him if there is no ground to believe that he is guilty of such an offence.

15. If there is no case against the arrested and detained person he shall be released. If a case is made against him, he is sent up for trial to the court concerned.

(c) Courts and judicial principles

16. The courts in Myanmar are constituted under the Judiciary Law of 1988, in the following order:

(a) The Supreme Court;

(b) State or divisional court;

(c) District court;

(d) Township court.

An appeal or revision of any judgement or order of the township court goes to the state or divisional court, or the district court; an appeal or revision of the judgement or order of the state or divisional court, or the district court goes to the Supreme Court.

17. The administration of justice in Myanmar is based on the following principles:

(a) Administering justice independently according to the law;

(b) Protecting and safeguarding the interests of the people and aiding in the restoration of law and order and peace and tranquillity;

(c) Educating the people to understand and abide by the law and cultivating in the people the habit of abiding by the law;

(d) Working within the framework of law for the settlement of cases;

(e) Dispensing justice in open court unless otherwise prohibited by law;

(f) Guaranteeing in all cases the right of defence and the right of appeal under the law;

(g) Aiming at reforming moral character in meting out punishment to offenders.

(d) Trial of cases

18. After completion of investigation by the police within the 30 days allowed by section 167 of the said Code, the case is sent up for trial to the Court concerned. The accused has the right under section 340 of the said Code to engage a lawyer for his defence if he has not done so during investigation by the police. If the accused has not been granted bail during investigation he may apply again for bail to the trial court.

19. Procedures for trial of cases differ according to the classification of cases. Cases are classified as summons and warrant cases. Summons cases are those cases relating to an offence punishable with imprisonment for a term not exceeding six months. Warrant cases are those cases relating to an offence punishable with death, transportation or imprisonment for a term exceeding six months.

20. Summons cases not being of a serious nature are mostly adjudicated the day the cases are sent up for trial.

21. The procedure for trial of warrant cases is prescribed in chapter XXI of the Code of Criminal Procedure. In a warrant case the evidence produced in support of the prosecution is first taken and the accused has the right to cross-examine each and every witness so produced. If a prima facie case is made a formal charge is framed against the accused. After the charge is

framed the accused has the right to recall and cross-examine for the second time any of the prosecution witnesses examined previously by the prosecution and the defence. Then the accused has the right to give evidence on his own behalf and produce witnesses in his support. Except as otherwise expressly provided all evidence shall be taken in the presence of the accused or when personal attendance is dispensed with under the Code of Criminal Procedure in the presence of his counsel.

22. When the accused is examined, the whole of the examination, including every question put to him and every answer made by him, shall be recorded in full and such record shall be shown or read to him, or if he does not understand the language, shall be interpreted to him in a language which he understands and he shall be at liberty to explain or add to his answers. The court may at any stage of the trial put any question to the accused and when he declines to give evidence the court may ask questions generally. The accused will not render himself liable to punishment if he refuses to answer or give false answers. No oath is given when he declines to give evidence on his own defence. Any person aggrieved by an order of the trial court may appeal against such order to the relevant appellate court.

23. Under section 403 of the said Code a person who has once been tried by a court of competent jurisdiction for an offence and convicted or acquitted of such offence shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence.

(e) Trial of cases by military tribunals

24. With a view to more effectively carrying out security tasks ensuring the rule of law and prevalence of peace and tranquillity military tribunals were formed in 3 of the 10 military regions in Myanmar under Martial Law Order No. 1/89 dated 17 July 1989 by the State Law and Order Restoration Council.

25. The procedure for the trial of cases by the military tribunals was prescribed under Martial Law Order No. 2/89 dated 18 July 1989 by the State Law and Order Restoration Council for speedy disposal of criminal cases.

26. Only those cases which affect the security, rule of law and peace and tranquillity of the State and also cases that affect the moral character of the people are tried by military tribunals. The number of cases tried by the military tribunals compared to criminal cases tried by civil courts is negligible. Later, martial law power exercised in various townships where the rule of law and maintenance of peace and tranquillity have improved was revoked township by township.

27. In view of the improvement and stability of the general situation in the State and in view of the interest of the people, the State Law and Order Restoration Council has now revoked all the Martial Law Orders by Order No. 12/92 on 26 September 1992. As a result, at present all cases are being tried by civil courts.

(f) Law safeguarding the State

28. In order to prevent the infringement of the sovereignty and security of the State or public peace and tranquillity and to safeguard the State against the dangers of subversive elements, the Law Safeguarding the State against the Dangers of Subversive Elements was enacted in 1975. Under this Law the Council of Ministers may pass an order as may be necessary restricting any fundamental right of a citizen if there are reasons to believe that he has committed or is committing or is about to commit any act which infringes the sovereignty and security of the State or public peace and tranquillity. To exercise such power the Council of Ministers has formed a Central Body consisting of the Minister for Home Affairs, the Minister for Defence and the Minister for Foreign Affairs. The policies and guidelines to be adhered to in restricting the fundamental rights of citizens are laid down in section 9 of the Law.

29. The Central Body in passing restriction orders for safeguarding the State against dangers has the following powers:

(a) Arresting and detaining a person against whom action is taken for a period not exceeding 60 days at a time up to a total of 180 days;

(b) Restraining a person against whom action is taken up to one year.

If it becomes necessary to extend the period of detention or restraint, the Central Body may be authorized by the Council of Ministers to detain or restrain a person for a period not exceeding one year at a time up to a total of five years.

30. A person may be restrained under the aforesaid Law in the following manner:

(a) Prescribing the area within which he shall not reside;

(b) Prescribing the area in which he shall reside;

(c) Restricting his movements, as may be necessary;

(d) Prohibiting the possession or use of articles prescribed.

C. Myanmar's accession to the four Geneva Conventions

31. On 24 August 1992, Myanmar acceeded to the four Geneva Conventions of 1949.

32. We are making an in-depth consideration of the provisions in the two Additional Protocols to the four Geneva Conventions.

33. Myanmar is not yet a party to the Covenants on Civil and Political Rights and on Social, Cultural and Economic Rights and the Convention on Torture.

D. Muslim people of Northern Rakhine State

(a) Residency status under law

34. Among the Muslims of Bengali stock living along the border area in the Rakhine State there are those who hold registration cards issued in accordance with the 1949 National Registration Act for those living within the Union of Myanmar. There are also those who are listed in the list of household members without, however, possessing any registration cards.

35. The national registration card does not determine the citizenship of the holder of the card. It is a certificate that establishes the identity of the holder and the fact that he resides within the Union of Myanmar.

36. Those Muslims of Bengali stock living on the Myanmar-Bangladesh border are not Myanmar citizens according to the Myanmar Citizenship Law. They have guest status with the right to apply for citizenship. In order to become a citizen, they must apply for citizenship in accordance with the relevant provisions of the Citizenship Law. According to the Election Law of the Pyithu Hluttaw, they have the right to vote without, however, the right to be elected.

(b) Legal provisions that determine residency status

37. The legal provisions that determine the status of citizenship are governed by the 1948 Citizenship Act (concerning the choice to become a Myanmar citizen) and the 1948 Union of Myanmar Citizenship Act, which have been revoked, and the Myanmar Citizenship Law of 15 October 1982, which is still in force.

(c) Laws that provide for freedom of religious belief and religious expression

38. Both the 1947 and 1974 Constitutions contained adequate provisions for all citizens to profess the religion of their choice. Although the two Constitutions have become inoperative, the fact that many national races of different faiths in Myanmar have lived together in amity and harmony for a long time and that the four major religions have existed and flourished in peace is an eloquent testimony to the existence of religious freedom in Myanmar.

39. People of Islamic faith have never been subjected to persecution, torture or discrimination in Myanmar, which is predominantly Buddhist. They have lived harmoniously with the national races of different faiths. The General Secretary of All Myanmar Moulvis Headquarters, in addressing about 350 Muslims who had gathered at the Zafar Shah Mosque in Dagon Township, Yangon, on 24 July 1992, recounted from his personal experience after visiting the border area that there was no persecution of Muslims in Rakhine State. The authorities, for their part, have taken adequate measures in order that the people of Islamic faith are treated on an equal footing with other faiths. For instance, Id al-Adha is designated as one of the official holidays of

Myanmar and the religious organizations of Islamic faith are allowed to broadcast their sermons over the Myanmar radio and television on that day. The authorities have never failed to extend necessary facilities to the people of Islamic faith in Myanmar.

40. In February of this year, the Minister for Religious Affairs attended the ceremony held for the laying of cornerstones for the annex to the Muslim Home for the Aged Women of Cholia Muslim Religious Fund Trust. When copies of the Holy Koran imported by the Amin Hawa Waqf were distributed in March of this year to the representatives of various states and divisions, the Minister for Religious Affairs himself honoured with his presence the ceremony held for that purpose. The then-Chairman of the State Law and Order Restoration Council also sent a special message to that ceremony.

41. In May 1992, 200 Hajj pilgrims went to Makkah and the authorities provided the necessary assistance both before and after the pilgrimage.

42. The Chairman of the State Law and Order Restoration Council General Than Shwe on 8 July 1992 sent a message to Myanmar hajjis at the ceremony to honour Hajj pilgrims organized by the Amin Hawa Waqf of the Islamic Religious Welfare Foundation. In his message he stated that "the people of Myanmar Naing-Ngan have enjoyed religious freedom as an inalienable right since the time of their forefathers and so the peoples of the different faiths have been living in unity here because every citizen realizes this very well". At another ceremony, held on 9 July 1992 to honour Hajj pilgrims of 1992 and organized by the Myanmar Muslim National Affairs Organization, the Chairman of the State Law and Order Restoration Council General Than Shwe sent a second message to Myanmar hajjis. In his second message he stated that "Myanmar history shows that all nationals in Myanmar have lived together in weal and woe and enjoyed freedom in the profession of whatever religious faith he or she believes".

43. Myanmar hajjis recounted their experience in Cholia Hall in Pabedan, Yangon, on 25 July. The Chairman of the Myanmar Muslim National Affairs Committee speaking on that occasion spoke of the freedom of religion in Myanmar, citing as an instance the Government's permission for the Hajj pilgrimage to Saudi Arabia. The Myanmar Muslim National Affairs Committee General Secretary also elaborated some points regarding the freedom of faiths in Myanmar and called on those who had fled to Bangladesh not to believe unfounded reports of the foreign media and to come back to their own region.

44. While the authorities in Myanmar are making every effort to fulfil the religious needs of the Islamic faith in Myanmar, Islamic organizations for their part are endeavouring to strengthen friendly ties between the Islamic faith and other religions. One such event took place in Mandalay in March 1992 under the sponsorship of the Myanmar Muslim National Affairs Organization of the Union of Myanmar. It was a get-together of all religions for the Upper Myanmar Zone. The get-together was attended by, in addition to the representatives of the sponsoring organization, representatives of Buddhist, Muslim and Hindu organizations, as well as by the Deputy Commander

of the Central Command and the Secretary of the Mandalay Division Law and Order Restoration Council.

45. At the 74th General Meeting of the Myanmar Naing-Ngan Christian Council, held in conjunction with a get-together to honour the Minister for Religious Affairs, Maj.-Gen. Myo Nyunt, held in May 1992 at Myanmar Naing-Ngan Institute of Christian Theology on Seminary Hill in Insein Township, the Chairman of the Christian Council thanked the State for religious freedom in the country.

46. The Minister for Religious Affairs, speaking on that occasion, said that all citizens were free to profess the religion of their choice, practise and preserve their own language, literature, traditions and customs and culture and to make efforts for their own religious code of conduct and ethics to flourish. He also pointed out that the Government was at present providing all-round assistance to all the religions and was also helping to solve their problems. He said that monetary assistance was also provided to Christians like the rest of the people of other religions. He also disclosed that books on Christian religious literature were permitted to be published in accordance with policy and that religious meetings, discussions and training courses were permitted to be held.

47. At a Hindu traditional ceremony of offering Mingaladipa lights of Goddess Lakshmi held in Yangon on 26 July 1992, the Minister for Religious Affairs, who attended the ceremony, stated that the Government was providing monetary assistance to support Hinduism and that the Religious Affairs Department was making arrangements for Hindu religious activities. He stated on that occasion that freedom to profess the faith of one's choice enjoyed by all nationals in Myanmar and the assistance provided by the Government were an offshoot of "metta" (loving kindness).

(d) Reasons for the flow of Muslim people from Rakhine State to Bangladesh

48. Since the firt Anglo-Myanmar War in 1824 Muslims of Bengali stock had entered Rakhine State illegally from across the border. After annexation of Myanmar Naing-Ngan the British Administration adopted a policy of liberalizing immigration regulations in order to import labour from India to Myanmar with the result that there was an exodus of people from the Indian subcontinent to settle in Myanmar. Over the course of years, the number of such immigrants increased, culminating in illegal settlements creating problems for the local populace. Recently the immigration officials conducted routine checking of the national registration cards in the area. Those who did not want to submit themselves to examination of their registration cards fled to the other side of the border. Among those who fled were mostly poor people who were lured by stories that relief food and goods were being distributed on the other side. Some left because they had been threatened by terrorist insurgents to burn down their houses. There were also those who left after having committed crimes.

(e) Aggravation of the problem

49. The problem was exacerbated in 1991 by the broadcasts made by the BBC and the Voice of America and by certain foreign media that carried exaggerated and distorted news concerning the situation at the Rakhine-Bangladesh border. In addition, some people with biased views, within and outside the country, also spread false and exaggerated news, creating a wedge not only between Myanmar and Bangladesh but also among the Muslim community, thereby aggravating the problem.

(f) Bilateral solutions undertaken by the Government of Myanmar to stop the movement of these people to Bangladesh

50. Myanmar has faithfully carried out the Myanmar-Bangladesh Agreement on Border Arrangements and Cooperation of December 1980 and the Border Ground Rules.

51. In keeping with the Agreement, border area supervision bodies were formed to prevent undesirable incidents on the border. The agreed rules govern border-crossing, black-marketeering and illegal trading and subversive activities, hot pursuit of insurgents across the border and so on. On 7 February 1981, the Government of Myanmar issued procedures to be followed regarding Myanmar-Bangladesh border affairs. Therefore, an adequate mechanism is in place to tackle bilaterally any problem that may arise between the two countries.

52. In November 1991, the Bangladesh Foreign Minister Mostafizur Rahman visited Myanmar to discuss the problem of those who had fled to Bangladesh and all related aspects of the matter with Foreign Minister U Ohn Gyaw.

53. The slander campaign by foreign public media was stepped up perceptibly, especially after the visit of the Bangladesh Foreign Minister, prompting Myanmar authorities to respond to their biased and unsubstantiated reports and broadcasts. On 16 January 1992 and on 21 February 1992, the Ministry of Foreign Affairs issued press releases to put the matter in its true perspective (annex H). On 19 March 1992, Minister for Foreign Affairs U Ohn Gyaw held a special press conference regarding the Myanmar-Bangladesh border situation and explained the true situation at the border as well as Myanmar's stance on the matter (annex I).

54. On 29 March 1992, the Minister for Foreign Affairs and the Deputy Minister for Information took foreign ambassadors, military attachés and foreign journalists on a fact-finding mission to the Myanmar-Bangladesh border area to enable them to witness the real situation prevailing there. The ambassadors, military attachés and journalists met with the local populace from 14 villages of Kyeinchaung Village Tract and raised questions concerning the situation in the area, freely and frankly.

55. The United Nations Under-Secretary-General for Humanitarian Affairs, Mr. Jan Eliasson, visited the Myanmar-Bangladesh border area in April 1992. Mr. Eliasson and his party met with the local populace and studied the situation in the border area firsthand.

56. In April 1992, a Myanmar delegation led by the Minister for Foreign Affairs U Ohn Gyaw visited Dhaka and held discussions with the Bangladesh delegation headed by Foreign Minister Mr. Mostafizur Rahman on the problem of refugees who had fled to Bangladesh from Rakhine State. The following are the salient points of the agreement reached (please see annex J for the joint statement):

(a) The two sides reiterated their firm conviction of the need to resolve the problem amicably and peacefully through bilateral negotiations on the basis of mutual understanding, accommodation, trust and goodwill and to maintain peace and tranquillity on their borders;

(b) Repatriation in batches of all persons, inter alia, carrying Myanmar citizenship identity cards/national registration cards; those able to present any other documents issued by relevant Myanmar authorities; and all those persons able to furnish evidence of their residence in Myanmar such as addresses or any other relevant particulars;

(c) Both sides agreed that repatriation should be safe and voluntary;

(d) The two Governments agreed to take all necessary measures to enhance security and tranquillity in their borders in full compliance with the Agreement on Border Arrangements and Cooperation (Border Ground Rules) signed by the two countries in 1980.

(g) How many persons have returned or been repatriated to Myanmar from Bangladesh

57. In accordance with the Agreement reached between Myanmar and Bangladesh in April 1992, five reception camps have been opened since 15 May 1992 in Maungdaw Township.

58. On 22 September 1992, nine families, consisting of 25 men and 21 women, were repatriated for the first time at Kanyin Chaung Camp on the Myanmar side. On 1 October 1992, two women were repatriated. On 12 October 1992, 34 men and 29 women were sent back to Kanyin Chaung Reception Camp. Thus a total of 111 persons have so far been repatriated.

(h) Aid provided by the Government of Myanmar to those people who have returned to Myanmar

59. Medical examinations as well as necessary medical treatment were given to those who returned. Relief goods, food, clothing, pots, pans and plates were also distributed to them. Arrangements are being made for their safe return to their homes.

E. Other recent steps taken by the Government of Myanmar in the field of human rights

60. The recent steps undertaken by the Government to create an atmosphere and conditions conducive to the establishment of a democratic system in Myanmar include the following:

(a) The suspension of all offensive operations in Kayin State and other parts of the country to consolidate national solidarity and unity;

(b) The release from detention and the lifting of restrictions of individuals against whom action had been taken under existing laws and who no longer pose a threat to the security of the country;

(c) The reopening of universities, colleges and other institutes of higher learning that had been temporarily closed;

(d) The rescinding of the curfew order in the entire country;

(e) The revocation of the Martial Law Order that had been in force since July 1989;

(f) The reconstitution of township-level Law and Order Restoration Councils that are responsible for local administration with civilian service personnel in anticipation of the future democratic administrative structure;

(g) The creation of a separate Ministry of Development of Border Areas and National Races in order to implement more effectively measures for the welfare of the national races living in the remote regions of the country.